

[REDACTED]

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**From:** Kevin Gimble [mailto:[REDACTED]]  
**Sent:** Friday, March 15, 2019 3:17 PM  
**To:** Melanie Spade <[REDACTED]>; [REDACTED]  
[REDACTED]  
[REDACTED]

**Cc:** Gina DiPippa [REDACTED]; Gary Mead <[REDACTED]>; [REDACTED]  
**Subject:** RE: Mid Atlantic Youth Services PA Child Care- Physical Management of youth & ChildLine & CPSL Investigation-UPDATE#3

Good afternoon- Update #3,

PA-DHS has notified us that the outcome of the below CPSL investigation for [REDACTED]  
[REDACTED] was completed and deemed Unfounded.

Thank you,

Kevin G. Gimble, MS  
Executive Director  
Mid-Atlantic Youth Services/PACC

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**From:** Melanie Spade  
**Sent:** Thursday, February 21, 2019 6:55 PM  
[REDACTED]  
[REDACTED]

**Cc:** Gina DiPippa; Kevin Gimble; Gary Mead; [REDACTED]  
**Subject:** RE: Mid Atlantic Youth Services PA Child Care- Physical Management of youth & ChildLine & CPSL Investigation-UPDATE#2

Good Evening- Update #2 to the below initial report; Please find the required Philadelphia County Incident Summary report attached for the ChildLine Notification and CPSL investigation for [REDACTED]  
(DOB: [REDACTED] SID #: [REDACTED]).

Be advised the HCSIS ID# for this incident is: [REDACTED]

~mel.

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**From:** Melanie Spade

**Sent:** Thursday, February 21, 2019 5:55 PM

[REDACTED]

**Cc:** Gina DiPippa; Kevin Gimble; Gary Mead; [REDACTED]

**Subject:** Mid Atlantic Youth Services PA Child Care- Physical Management of youth & ChildLine & CPSL Investigation

Good Evening~ Attached is a Serious Incident Report of the emergency physical management of a child as is required by Philadelphia County. [REDACTED] (DOB: [REDACTED] SID #: [REDACTED]) required emergency safe physical intervention after attempting to hit a staff. The physical management technique lasted approximately 7 minutes. There were no injuries to note.

A video copy of this incident was sent overnight express postal mail to Rachel Henderson and Nancy Magowan late this afternoon. Also attached you will find an incident summary sent to designated Philadelphia County parties on Friday February 15, 2019 for the same youth with the following email content; " Good Evening~ Attached please find a serious incident summary for the emergency physical management of a child as is required by our agency to submit to Philadelphia County. Agency staff picked up youth [REDACTED] (DOB: [REDACTED] SID #: [REDACTED] at [REDACTED] for transport to the program. [REDACTED] was agitated during the transportation, repeatedly kicked the van's plexiglass window, threatened to kill staff, and taunted staff with racial slurs and insults. Upon arrival at the program, staff escorted [REDACTED] into the facility, removed the mechanical hardware, and attempted to talk with [REDACTED] about the program. [REDACTED] remained escalated, made threats of harm to others, and required emergency physical management for about 10 minutes. He was examined by the nurse onsite. No injuries noted.

The video copy of this incident was also express postal mailed late this afternoon to Rachel Henderson and Nancy Magowan.

Today; 2/21/19; [REDACTED] was being interviewed by DHS Regional Representatives for a complaint he made against a prior placement provider. During the course of the interview, [REDACTED] made allegations of mistreatment by Mid Atlantic Youth Services and its employees; after which, a DHS Representative telephoned Childline and the case was numbered for CPSL investigation. Eight Mid Atlantic Youth Services employees; to include the assistant executive director and supervisors were removed from all child care duties pending CPSL investigation. The Regional DHS Representatives did not view any video, interview employees, review medical or internal incident report documentation, or conduct a formal interview with the youth regarding the alleged mistreatment.

At this juncture, our PA Child Care Facility is operating services without eight employees unable to interact with youth in the program. As noted, this includes the program's assistant executive director and supervisors.

Multiple efforts were made to contact the DHS Regional Office in the facility's region this afternoon; specific to the removal of eight employees from duty. We were unsuccessful in speaking to anyone. Our agency has no time frame of when CPSL Representatives will be able to conduct the investigation. We will inform all parties accordingly when the interviews are scheduled.

Please advise if any of your departments need additional information.

thank you, mel.

**Melanie A. Spade**  
**Agency Admissions & PREA Coordinator**  
**Mid Atlantic Youth Services**



**PA Child Care Program- Pittston Township**  
**Western PA Child Care Program- Emlenton**



Mailing Date: 10/12/2017

JOANA ENDRICK  
[REDACTED]

**Child: KEVIN ENDRICK**  
[REDACTED]

**Status: Indicated**  
**Agency: Western Region Office of**  
**Children, Youth and Families**

Dear JOANA ENDRICK:

A report of abuse involving the above named child was investigated by the agency listed above.

The status is Indicated. This means the agency determined that the child was abused.

If the perpetrator was under 18 years of age when the child abuse was committed, the report will be expunged when the perpetrator reaches 21 years of age or when five years have elapsed since their name was added to the statewide database, whichever is later, if they meet **ALL** of the following:

- The individual has not been named as a perpetrator in any subsequent indicated report of child abuse and are not the subject of a child abuse report pending investigation.
- The individual has never been convicted or adjudicated delinquent by a court for an offense under section 6344(c) (relating to grounds for denying employment) and no proceeding is pending seeking such conviction or adjudication.
- The child abuse which resulted in the perpetrator's name in the statewide data base did not involve the use of a deadly weapon, as defined under Title 18, Pa.C.S. §2301 (relating to definitions in the Pennsylvania Crimes Code).

If the perpetrator was 18 years or older when the child abuse was committed, the report will remain on file in the Statewide Database and county offices until 23 years after the child's birth. At that time, the report will be expunged. However, the information on the perpetrator will remain on file indefinitely if the social security number or date of birth is known.

You are listed on the report as the Parent.

You may have the right to receive services, which are intended to prevent further abuse or neglect, through the county children and youth agency. You also have the right to receive a copy of the report by writing to that agency or this office. Please refer to the report number listed above when making your request. Should your address change before the child becomes age 23, please inform this office.



If you have questions about your rights, involvement in the report, or this letter, we suggest you contact the investigating agency at: (412) 565-5728.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christina E. Phillips".

Christina Phillips, Director  
Bureau of Policy, Programs and Operations

Enclosure

QI-NP





**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

January 22, 2019

Ms. Joanne Endrick  
[REDACTED]

Re: Kevin Endrick

Dear Ms. Endrick,

On September 15, 2017, your son, Kevin Endrick [REDACTED], was involved in a physical restraint at George Junior Republic (GJR) that resulted in an injury. The Department of Human Services received a ChildLine report for this injury and conducted a thorough investigation that resulted in an indicated report of child abuse against the perpetrator on October 10, 2017. Subsequently, you, as a parent, raised concerns about issues related to the report. The Department comprehensively reviewed your concerns, and subsequently issued a Licensing Inspection Summary (LIS) to GJR based on our findings. An official letter was sent to your attention on July 13, 2018, which summarized our findings and included a copy of the LIS.

You later raised additional concerns about when the injury was reported to ChildLine, which the Department investigated. ChildLine received the report of suspected child abuse on September 16, 2017. During the initial child abuse investigation, Kevin admitted that he intentionally did not disclose to medical personnel how he suffered his injuries. There is no documentation that indicates Kevin made any allegations of conduct amounting to mistreatment or abuse to any mandated reporter during his post-restraint medical assessments at either GJR or Grove City Medical Center.

Under the CPSL, a mandated reporter must make a report of suspected child abuse if the person has reasonable cause to suspect that a child is a victim of child abuse. It should be noted that the Child Protective Services Law (CPSL) prohibits the Department from releasing the identity of the person who reported suspected child abuse under these circumstances.

Based on these findings, the Department will not be issuing a citation for failure to report regarding this specific incident.

Sincerely,

Amber D. Kalp, Regional Director  
Bureau of Children and Family Services

## Interdisciplinary Notes

Sort Selection: Charting Date &amp; Resident and a Secondary Sort: Chart Date/Time Descending

Resident ID #	Name	Charting Date	Event Date	Discipline Code	Chart Type	Time Created	Created By	eSignature	Documentation ...
Endrick, Kevin									
	Endrick, Kevin	09/15/17	09/15/17PA	DL		10:18:37	Weltman, PA-C MWM	Meghan Weltman, P	

S: Youth here to f/u on EPSI that occurred this AM. States that he was dropped on his head and back on a padded floor. He now c/o a posterior headache and had one episode of emesis. Previous h/o multiple concussions. Also c/o light sensitivity.

O: PERRL, EOMI

Speech is normal  
Point to point accurate  
Heel to toe walk wnt  
Memory impaired 1/3 words

A: head injury

P: Act restrictions until Tuesday

F/u Monday/Tuesday

Zofran 4mg ODT TID prn nausea x 1 week

eSignature: Meghan Weltman, PA-C

Created By: Weltman, PA-C MWELTMAN 09/15/2017 10:18:37  
Modified By: Meghan Weltman, PA-C 09/15/2017 10:18:37



# CITY OF PHILADELPHIA

Cynthia F. Figueroa  
Commissioner  
Philadelphia Department of  
Human Services

August 28, 2018

Cathy Utz  
Deputy Secretary  
Department of Human Services  
Office of Children, Youth Families  
625 Forster Street  
Harrisburg, PA 17120

RE: George Junior

Dear Ms. Utz;

I have had an opportunity to review the Pa. DHS Bureau of Hearings and Appeals (BHA) Order of May 25, 2018 (Docket No: 087-17-0036) concerning [REDACTED] with my legal team. We have also reviewed Amber Kalp's email of August 22, 2018.

While I understand that Phila. DHS is not technically a party to this matter, I am deeply concerned with the decision of BHA and the fact that the George Junior Republic (GJR) staff member who was involved in the incident was exonerated in so far as BHA sustained his appeal and ordered that the report indicated by Western Region of OCYF be expunged. As you are aware, the incident involving [REDACTED] was a factor in our closing GJR for intake. I am equally concerned about the fact that OCYF Western Region did not appeal the BHA decision or file a motion for reconsideration.

Our legal counsel brought up several questions and concerns with the Administrative Law Judge's (ALJ) findings of fact and legal conclusions that we believe warranted, at the very least, a motion for reconsideration or, possibly, an appeal to Commonwealth Court. While our legal team did not have the benefit of reviewing the actual transcript of the hearing in question, based on factual findings and reasoning of the ALJ's decision alone, we have concerns that I wanted to share with you.

First and most notably, the ALJ used a "subjective" versus "objective" standard to support her recommendation (see page 17, paragraph 5 of BHA Order). We believe that this was the incorrect standard, and, thus, an error of law. A review of the case law (both for child abuse cases and criminal law cases) suggests that in analyzing an applicable mental state, the fact-finder should follow the plain language of the statute. For example, "recklessness" is defined as a conscious



disregard of a substantial and unjustifiable risk that will result from the actor's conduct. The risk must be of such a nature and degree that, considering the nature and intent of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation.

The very inclusion of the word "reasonable" in the definition of recklessness implies an objective review of the actions of the perpetrator. To use a subjective standard has potentially dangerous implications in terms of permissible behavior of staff members such as the one in this case. How far should a subjective standard go? If taken to an extreme, for instance, an otherwise indicated instance of child abuse could be excused based on the perpetrator having a bad day and, from his *subjective* viewpoint, acting according to how he felt versus following protocol to minimize potential injury to a child. Surely, this cannot be the intent and purpose of the Child Protective Services Law.

The BHA hearing officer's conclusion that the Appellant "engaged in a careful, deliberate thought process to take the subject child to the ground the safest way he believed possible at the time" (cited in Ms. Kalp's email of August 22<sup>nd</sup>) is profoundly undermined by the fact that the hearing officer evaluated the Appellant's actions on a subjective basis versus an objective one which, as per the above discussion, should have been employed.

Even if a subjective standard is somehow justified from the "circumstances known to him" language, the ALJ's reasoning is unsupported. The Appellant admitted that he knew his technique was inappropriate (page 6, paragraph 42 of BHA Order). The expert in restraint training and techniques testified that he personally trained Appellant; that the Appellant's technique was incorrect and not one that is taught to similar professionals; and that there was plenty of room for the Appellant to have used a correct method. The expert also testified that Appellant's technique created a risk of injury to the child. (Pages 7-8, paragraphs 45-60 of BHA Order).

Furthermore, the ALJ seems to conflate the Appellant's credibility with the Appellant not acting in a reckless manner. The ALJ found the Appellant to be "wholly credible" because he admitted to his conduct. An appellant can certainly testify honestly and credibly, but still act recklessly (in a manner that is a gross deviation from the standard of conduct that a reasonable person would observe in that situation.)

Finally, the absence of certain evidence may have called into question the Appellant's account of the incident involving [REDACTED]. For example, the ALJ made a factual finding that [REDACTED] resisted getting out of the van and going into the GJR Critical Incident Unit building based on Appellant's testimony (page 4, paragraph 22), but one of the three DVD videos shows that this was simply inaccurate: [REDACTED] appears to be walking without incident and with none of the resistance or aggression suggested by the findings made by the ALJ. While an ALJ certainly has discretion in making findings of fact based on evidence, here it appears that documentary evidence (the video) may have been rankly ignored.

The ALJ did not include [REDACTED] testimony in her findings, noting that his testimony was "largely" irrelevant because it "mainly" related to the report against the other alleged perpetrators (page 15, paragraph 4). The ALJ's use of these qualifying terms raises questions as to her reasoning, which could have been addressed in a motion for reconsideration or appeal. It is also unclear why the ALJ chose not to make any credibility determination of [REDACTED]

The result of this matter has concerning policy implications. Even with high-level training, professionals charged with ensuring the safety of our children may disregard authorized techniques for whatever methods they subjectively think is best at a given moment. The ALJ's application of the Child Protective Services Law has dangerous implications as well in so far as our agencies rely on indicating perpetrators of child abuse whose names will be maintained on the ChildLine registry so that they cannot be hired for positions where they may potentially victimize another youth.

If you could help us obtain a copy of the hearing transcript, so we can better understand exactly what evidence was presented at the hearing, the OCYF attorneys' strategy, and the ALJ's decision, that would be most appreciated.

I would also like to mention that [REDACTED] public defender in his underlying case in Philadelphia was not made aware of the case before BHA. While the public defender is not technically a party or counsel to the BHA matter, their involvement may have assisted in terms of preparing for the hearing. Philadelphia DHS was also disappointed not to have been made aware of the hearing as well given that [REDACTED] remained open with DHS' Juvenile Justice Services (JJS) at the time.

We remain committed to working with OCYF to ensure the safety of all of children who are in substitute care but the instant decision gives us serious concern as to how to achieve this goal if acts such as the ones in question are ultimately deemed permissible by Pa. DHS' own administrative review process.

It is critical that our providers develop a culture where child safety is the first priority even in challenging situations. Ownership of these challenges versus the resistance to acknowledge them is also essential moving forward.

I would, in conclusion, note that the Commonwealth of Pennsylvania requires high quality providers who, again, place the needs of youth first. In this regard, we are eager to work with Pa. DHS to ensure that the experiences and voices of youth are the absolute priority.

Thank you for your consideration.

Sincerely,



Cynthia F. Figueroa  
Commissioner

cc. Jonathan Houlon, Chief Deputy City Solicitor  
Raheemah Shamsid-Deen Hampton, SE Regional Director  
Roseann Perry, PA DHS Bureau Director  
Amber Kalp, Western Regional Director  
Doris Leisch, Chief Counsel PA DHS

[REDACTED]  
From: "Kalp, Amber" <[REDACTED]>

Date: 8/22/18 10:56 AM (GMT-05:00)

To: Cynthia Figueroa <[REDACTED]>, "Utz, Cathy" <[REDACTED]>

Cc: "Perry, Roseann (OCYF)" <[REDACTED]> Raheemah Shamsid-Deen Hampton <[REDACTED]>

Subject: RE: Follow Regarding [REDACTED] and GJR

Good morning Ms. Figueroa,

The appeal hearing associated with a restraint of [REDACTED] at George Junior Republic was held on April 5 and 6, 2018. A BHA Adjudication and Order in the matter was issued on May 25, 2018.

After meeting with our legal counsel of record, Zachariah Rivenbark, it was discussed that BHA considered the *mens rea* of [REDACTED] as to whether he knowingly or recklessly created the likelihood of bodily injury to [REDACTED]. While providing testimony, [REDACTED] admitted he utilized a non-Safe Crisis Management (SCM) technique to transition [REDACTED] to the floor as was viewed on the video. BHA stated the use of a non-SCM technique is not *per se* evidence of abuse.

M.L. testified he thought about transitioning [REDACTED] into a SCM restraint while entering the time-out room, but claimed in those seconds he was concerned that he may injury [REDACTED], if the child managed to escape during the SCM restraint. [REDACTED] testified that by using the non-SCM technique in the time-out room it was "going to be the safest route for both him [REDACTED] and I [REDACTED]". According to BHA, [REDACTED] thought process in these seconds, answered the question of whether [REDACTED] acted with *mens rea*. BHA found that [REDACTED] did not intentionally, knowingly or recklessly create a reasonable likelihood of bodily injury; instead [REDACTED] "engaged in a careful, deliberate thought process to take the subject child to the ground the safest way he believed possible at the time."

Given the testimony provided by [REDACTED] at the BHA proceeding as to his decision making in those few seconds and BHA's adjudication citing to the same, our legal counsel did not seek reconsideration of the adjudication.

In regards to your inquiry associated with providing a copy of the BHA Adjudication and Order to the Family Court Leadership, after consulting with our Office of General Counsel, under the Pennsylvania Child Protective Services Law, §6340 Release of Information in Confidential Reports, the Family Court Leadership would not be eligible to receive a copy of the findings. I did speak directly with Elizabeth Wingfield who is employed by BHA regarding the exact process of who receives a copy of a BHA order. According to Ms. Wingfield, the appellant's counsel, the County or Region's counsel, the Appeal Unit at ChildLine and the Regional Office are the only receivers of the BHA Adjudication and order.

If you should have any additional questions, please do not hesitate to contact us.

Sincerely,

Amber

Amber D. Kalp, M.S.W. | Regional Director  
Department of Human Services  
Office of Children, Youth and Families | Western Region  
11 Stanwix Street | Room 260  
Pittsburgh, Pennsylvania 15222  
[REDACTED]

If you suspect child abuse or neglect, please call ChildLine to make a confidential report at 1-800-932-0313.

**From:** Cynthia Figueroa <[REDACTED]>  
**Sent:** Wednesday, August 15, 2018 3:57 PM  
**To:** Utz, Cathy <[REDACTED]>  
**Cc:** Perry, Roseann (OCYF) <[REDACTED]>; Kalp, Amber <[REDACTED]> Shamsid-Deen Hampton, Raheemah  
[REDACTED]  
**Subject:** Re: Follow Regarding [REDACTED] and GJR

Many thanks

Cynthia Figueroa

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

----- Original message -----

**From:** "Utz, Cathy" <cutz@pa.gov>  
**Date:** 8/15/18 3:19 PM (GMT-05:00)  
**To:** Cynthia Figueroa <[REDACTED]>  
**Cc:** "Perry, Roseann (OCYF)" <[REDACTED]>, "Kalp, Amber" <[REDACTED]> Raheemah Shamsid-Deen Hampton <[REDACTED]>  
**Subject:** RE: Follow Regarding [REDACTED] and GJR

Hi Cynthia,

We're gathering information and will respond to your request in the next few days.

Cathy

**Cathy A. Utz** | Deputy Secretary  
Department of Human Services  
Office of Children, Youth and Families  
625 Forster St. | Harrisburg, PA 17120

[www.dhs.pa.gov](http://www.dhs.pa.gov)

***If you suspect child abuse or neglect, please call ChildLine to make a confidential report at 1-800-932-0313.***

NOTICE: This confidential message/attachment contains information intended for a specific individual(s) and purpose. Any inappropriate use, distribution or copying is strictly prohibited. If received in error, notify the sender and immediately delete the message.

**From:** Cynthia Figueroa <[REDACTED]>  
**Sent:** Wednesday, August 15, 2018 2:38 PM  
**To:** Utz, Cathy <[REDACTED]>  
**Cc:** Perry, Roseann (OCYF) <[REDACTED]>; Kalp, Amber <[REDACTED]>; Shamsid-Deen Hampton, Raheemah  
[REDACTED]  
**Subject:** Follow Regarding [REDACTED] and GJR

Dear Cathy,

I am circling back with you and your team regarding my request for further information related to the Administrative Appeal for [REDACTED]. Please advise if the Commonwealth filed a Motion for Reconsideration and/or an appeal to the Commonwealth Court and can you provide us with a copy. Additionally, I have advised the Family Court Leadership that the opinion was issued. As they were a partner in the decision to close the intake at George Junior, I would like to share the ALJ's decision with them. Please advise if I have your permission to do so. I look forward to hearing from you.

Cynthia F. Figueroa

Commissioner





From:  
Sent:  
To:

Andrea Donatucci <[REDACTED]>

Wednesday, August 1, 2018 11:56 AM

ADAMS - Sarah Finkey; ALLEGHENY - Marc Cherna; ARMSTRONG - Paula McClure; BEAVER - Dayna Revay; BEDFORD - Lisa Cairo; BERKS - Krista McIlhaney; BLAIR - Ashley Gehrdes; BLAIR - Maria Ayers; BRADFORD - Jen Cragle; BUCKS - Lynne Kallus-Rainey; BUTLER - Charles Johns; CAMBRIA - Betzi White; CAMBRIA - Michelle Rager; CAMERON - Shirley Wolf; CARBON - Sallianne Schatz-Newton; CENTRE - Julia Sprinkle; CHESTER - Doug Waegel; CLARION - Todd Kline; CLEARFIELD - Jason Hamilton; CLINTON - Autumn Bower; CLINTON - Gerald Rosamilia; COLUMBIA - April Miller; CRAWFORD - Gail Kelly; CUMBERLAND - Nikki McElwee; Mark Ledford; DAUPHIN - Annmarie Kaiser; DELAWARE - Deirdre Gordon; ELK - Nancy Baker; ERIE - Lana Rees; ERIE - LeeAnn Twidle; FAYETTE - Gina D'Auria; Fofi, Sandy A.; FRANKLIN - Douglas Amsley; FULTON - Christine McQuade; GREENE - Karen Bennett; GREENE - Stacey Courtwright; HUNTINGDON - Joyce Zolten; INDIANA - Sarah Ross; JEFFERSON - Cindy Cornwell; JUNIATA - Penni Abram; LACKAWANNA - William Browning; LANCASTER - Crystal Natan; LAWRENCE - Frank Merlino; LAWRENCE - William Betz; LEBANON - James Holtry; LEHIGH - Paula Roberts; LUZERNE - Joanne Van Saun; LYCOMING - Mark Egly; MCKEAN - Daniel J. Wertz; MERCER - Kathryn Gabriel; MIFFLIN - Dana Bubb; MONROE - Adelaide Grace; MONTGOMERY - Laurie O'Connor; MONTOUR - Melodie Culp; NORTHAMPTON - Kevin Dolan; NORTHUMBERLAND - Katrina Gownley; PERRY - Kristie Carl; Cynthia Figueroa; PIKE - Ginger Refice; POTTER - Joy Glassmire; SCHUYLKILL - Lisa Stevens; SNYDER - Jennifer Napp Evans; SOMERSET - Doug Walters; SULLIVAN - Jane Hottenstein; SULLIVAN - Lisa Wilcox; SUSQUEHANNA - Michelle Graziano; TIOGA - Jen Harmon; TIOGA - Nancy Clemens; UNION - Matthew Ernst; VENANGO - Luann Hartman; WARREN - Meredith Ketcham; WASHINGTON - Joshua Edenhofer; WASHINGTON - Kimberly Rogers; WAYNE - Linda Vonson; WESTMORELAND - Shara Saveikis; WYOMING - Mike Donahue; YORK - Terry Clark; ADAMS - Laura Rowland; ALLEGHENY - David Evrard; ARMSTRONG - Regina Himes; BEAVER - Gary Rosatelli; BEDFORD - M. Keith Bowser; BERKS - Robert Williams; BLAIR - Nancy Williams; BUCKS - Ted Rice; BUTLER - Douglas Ritson; CAMBRIA - Mark Ledford; CAMERON - Janette Burkness; CARBON - James Dodson; CENTRE - Thomas Backenstoe; CHESTER - Donald Corry; CLARION - Jayne Smail; CLEARFIELD - Donald McClusick; CLINTON - Jason Foltz; COLUMBIA - Denise Labuda; CRAWFORD - Nick Loiacona; CUMBERLAND - Samuel Miller; DAUPHIN - Chad Libby; DELAWARE - Danielle Dimatteo; ELK - Andrew Hathorn; FAYETTE - Heath Randolph; FOREST - Steven Barnett; FRANKLIN - Kathleen McGrath; FULTON - Daniel Miller; GREENE - R. Craig Wise; HUNTINGDON - Lee Hahn; INDIANA - Michael Hodak; JEFFERSON - Paul Ruffner; JUNIATA - Michelle Beaver; LACKAWANNA - Richard Clifford; LANCASTER - David Mueller; LAWRENCE - Lisa Haddad; LAWRENCE - Patrick Micco; LEBANON - Sally Barry; LEHIGH - Elizabeth Fritz; LEHIGH - Kevin Miller; LEHIGH - Robert Burger; LUZERNE - Angie Zera; LUZERNE - Michael Vecchio; LYCOMING - Edward Robbins; MCKEAN - Teresa Wilcox; MERCER - Mark Benedetto; MIFFLIN - Todd Harpster; MONROE - Steven Houloose; MONTOUR - James Miller; NORTHAMPTON - Matthew Garvey; NORTHUMBERLAND - William Rossnock; PERRY - Roger Miller; faustino.castro-jime@courts.phila.gov; PHILADELPHIA - Kathy Grasela; PIKE - Jeff Angradi; Interim; SCHUYLKILL - Kenneth Porter; SNYDER - Bo Trawitz; SOMERSET - Vicki Saylor; SUSQUEHANNA - Jeffrey Shoemaker; TIOGA - David Stager; UNION - Scott Lizardi; VENANGO - Robert Daugherty; WARREN - Jon Gerarde; WASHINGTON - Amanda Gallagher; WASHINGTON - Randy Butka; WAYNE - Sandy Fofi; Brian Abel; WESTMORELAND - Adeline Beighley; YORK - Kelly Novak; Kimberly Ali; Tanya; Andrea Marceca Strong; Wayne; Andy; Sandie; Bonnie; Brian; Christina Calkins; Jen; Beth; Chris



**To:** Hakel; ARL Headquarters; Patricia; Elaine; Matthew; Courtney; Tamm; Jason; Brenda; Joan Erney; Timene L Farlow; Shannon; Marcy; M.; Jeff; Lesley; Jessie Hartle; Courtney; Shawna Helman; Kerry; Teri Henning; William; Hon. Walter Olszewski; Jackie; Suzanne; John Lester; Amanda; Briana; Joseph Greco; Tom; Lisa Donalan; Sallie; Carin; Thomas Malone; C.; David Mattern; David; Shawn; Marge; Jake; Meredith Schreffler; Rachael; Sandy; Robyn; Lynn; Terri Pennington; Michael; Brinda Penyak; Hope; Sandra Fofi; Kelly; Shannon; Chanel; Greg M. Steele; Richard (JCJC); Eileen; Vickie; Williams-Cain, Vanessa; Gary D Williams; russell.carlino@alleghenycountys.us; bblakely@eriecountygov.org

**Subject:** RE: George Junior Republic

Good morning,

During the past several months, you have received notices from the Pennsylvania Department of Human Services Office of Children, Youth and Families that staff members at George Junior Republic in Pennsylvania were indicated for child abuse. The investigations regarding three separate incidences by the Office of Children, Youth and Families were mandated and we certainly understand the need for stakeholder notification. However, if an indicated abuse finding is overturned, there is not a follow-up notification to stakeholders informing them the indicated status was removed.

While our relationship with Office of Children, Youth and Families is very positive, we are not always in agreement with the initial outcome. Fortunately for the staff member, there is an appeal process.

Today I am writing to let you know that four George Junior Republic in Pennsylvania staff members appealed their indicated abuse findings. As a result, all four staff members had their indicated status overturned by the Department of Human Services either at an appeal hearing or prior to an appeal hearing even taking place.

We agree that information regarding indicated reports of abuse are shared with you, but we believe it is also important to inform you when initial findings are overturned.

If you any have further questions, please do not hesitate to contact me.

Sincerely,

Andrea

Andrea M. Donatucci, MSW, LSW  
Vice President of Support and  
Community Based Programs

233 George Junior Road  
P.O. Box 1058  
Grove City, PA 16127



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## S.K. v. DEPT. OF HUMAN SERVICES

No. 685 C.D. 2018.

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206 A.3d 644 (2019)

*S.K., Petitioner, v. DEPARTMENT OF HUMAN SERVICES, Respondent.*

Commonwealth Court of Pennsylvania.

Argued: February 11, 2019.

Decided March 27, 2019.

*Attorney(s) appearing for the Case*

[Bradley G. Olson, Jr.](#), New Castle, for petitioner.

[Zachariah L. Rivenbark](#), Assistant Counsel, Pittsburgh, for respondent.

BEFORE: HONORABLE MARY HANNAH LEAVITT, President Judge, HONORABLE ANNE E. COVEY, Judge (P.), HONORABLE CHRISTINE FIZZANO CANNON, Judge.

### SEALED CASE

#### OPINION BY JUDGE, COVEY.

S.K. petitions this Court for review of the Department of Human Services (DHS) Bureau of Hearings and Appeals' (BHA) April 20, 2018 order denying S.K.'s request to expunge his indicated report<sup>1</sup> of child abuse from the ChildLine & Abuse Registry (ChildLine Registry).<sup>2</sup> Essentially, S.K. presents two issues for this Court's review: (1) whether the BHA erred by concluding that S.K.'s actions were reckless and, thus, constituted child abuse; and (2) whether the BHA erred by concluding that S.K. did not use reasonable force.<sup>3</sup> Upon review, we reverse.

S.K. was a staff member at a Pennsylvania residential facility (Facility) for children

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who have been adjudicated dependent or delinquent, or have mental health issues. On September 16, 2017, DHS' Office of Children, Youth and Families (OCYF) received a report that, on September 15, 2017, S.K. caused bodily injury to a minor (Minor) who resided at the Facility. See Reproduced Record Volume I (R.R. I) at 1-2. OCYF conducted an investigation, whereby it determined, in pertinent part:

[S.K.] is [] residential staff who had duties meeting the definition of a child care worker. [Minor] and [S.K.] were interviewed. Medical records and video were reviewed. The video shows that [Minor] was grabbed around [his] waist, lifted off of the floor, rotated in the air, and put on ground with force causing [Minor] to land on [his] shoulders, neck and back. The force was enough to cause [Minor's] legs/feet to approach [his] head when [Minor] landed on [his] shoulders/head. [Minor] has a diagnosed concussion as a result of [ ] being thrown on the ground by [S.K.]. [Minor's] and [S.K.'s] statements are consistent with the video and support the evidence of [S.K.] causing bodily harm to [Minor] through a recent act.

R.R. I at 2 (OCYF Investigation Report at 2). On October 10, 2017, OCYF filed an indicated report against S.K. as a perpetrator of abuse against Minor. See

On November 21, 2017, S.K. requested review of OCYF's report by DHS' Secretary. See R.R. I at 5-9. By December 7, 2017 letter, the Secretary's designee stated: "We believe the report is accurate and being maintained in a manner consistent with the Child Protective Services Law [(Law) <sup>4</sup>]. Thus[,] the report will remain on file as originally reported." R.R. I at 10. S.K. appealed to the BHA. A hearing was held on March 14, 2018, before an Administrative Law Judge (ALJ). See Reproduced Record Volume II (R.R. II) at 1-241. On April 2, 2018, the ALJ issued an adjudication and recommendation denying S.K.'s appeal and declaring that OCYF proved that S.K.'s actions were reckless and, thus, constituted child abuse. See R.R. II at 243-267. On April 20, 2018, the BHA adopted the ALJ's recommendation in its entirety. See R.R. II at 242. S.K. appealed to this Court. <sup>5</sup>

Initially, Section 6341(a)(2) of the Law authorizes "the [S]ecretary to . . . expunge an indicated report on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with [the Law]." 23 Pa.C.S. § 6341(a)(2). "[T]he proper inquiry into whether an indicated

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report of child abuse should be expunged is whether the report is accurate." *B.K. v. Dep't of Pub. Welfare*, [36 A.3d 649](#), 653 (Pa. Cmwlth. 2012). Moreover, "[OCYF] has the burden of establishing by substantial evidence that an indicated report of child abuse is accurate." *Bucks Cty. Children & Youth Soc. Servs. Agency v. Dep't of Pub. Welfare*, [808 A.2d 990](#), 993 (Pa. Cmwlth. 2002).

The facts of this case are not in dispute. The parties agree that S.K. was responsible for Minor's welfare and he was trained in and authorized to use Safe Crisis Management (SCM) restraint techniques when a child presents a danger to himself or to others. <sup>6</sup> See R.R. II at 11-12, 111-113, 137, 175, 187. On September 15, 2017, Minor did not want to attend school. See R.R. II at 26, 45. At breakfast, Minor notified staff that he intended to get kicked out of school, turn the building upside down and be restrained. See R.R. II at 166. S.K. attempted choice theory techniques with Minor, asking him how such behavior would assist him in the program. See R.R. II at 167-168. Minor went to school but, rather than participate, he wrote "I don't care" on his paper and put his head down, prompting his teacher to direct him to leave. R.R. II at 27, 46-47. After S.K. witnessed Minor storm out of school, S.K. and staff member D.F. followed Minor to his room to insure Minor's safety and that he did not damage the room. See R.R. II at 49, 172-173. Due to Minor's behavior in his room, S.K. and D.F. took Minor to a time-out room. <sup>7</sup> See R.R. II at 27, 173-175. Minor struggled against S.K. on the way to the time-out room. See R.R. II at 174-175.

For approximately the first 10 minutes in the time-out room, Minor paced the floor and hit the walls as S.K. stood in the doorway speaking to him. See R.R. II at 28, 54-55, 100, 177-179. Eventually, Minor asked S.K. to turn the lights off at the hallway switch so Minor could sleep, but S.K. explained that the lights had to remain on for the video recording that was in place for both their safety. See R.R. II at 55-58. Minor nevertheless made two additional attempts to push past S.K. to the hallway to turn the time-out room lights off, and each time made contact with S.K. See R.R. II at 28-29, 56, 58-62, 96-97, 104. On Minor's third attempt to reach out of the room, S.K. attempted to use an SCM-approved method to restrain Minor, but ended up restraining Minor in a manner that deviated from his Facility training. <sup>8</sup> See R.R. II at 89-92, 112-113, 131, 187-190. Specifically, S.K. lifted up Minor and delivered him to the floor in such a manner that Minor's head and neck struck the floor first. See R.R. II at 29-32, 181-182, 186; see also S.K. Br. at viii. S.K. held Minor on the

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floor in a kneeling torso hold until S.K. thought Minor was calm. <sup>9</sup> See R.R. II at 31, 64, 181-182, 184.

Immediately after the incident, S.K. escorted Minor back to his room and contacted the infirmary to check Minor. See R.R. II at 184. Thereafter, Minor's head and back hurt, and he vomited several times. See R.R. II at 30-31. Minor received medical treatment first at the Facility, then at Grove City Medical Center emergency room, and finally at UPMC Children's Hospital of Pittsburgh. See R.R. II at 32-36, 38-41, 124-125. Minor was diagnosed with a concussion. See R.R. II at 40, 138, 191, 193. The Facility discharged S.K. for his use of improper technique on September 15, 2017. See R.R. II at 95, 100.

Section 6303(b.1) of the Law provides, in pertinent part: "The term 'child abuse' shall mean intentionally, knowingly or recklessly . . . [c]ausing bodily injury to a child through any recent act or failure to act." <sup>10</sup> 23 Pa.C.S. § 6303(b.1). Section 6303(c) of the Law specifies:

Conduct that causes injury or harm to a child or creates a risk of injury or harm to a child shall not be considered child abuse if there is no evidence that the person acted intentionally, knowingly or recklessly when causing the injury or harm to the child or creating a risk of injury or harm to the child.

23 Pa.C.S. § 6303(c). The BHA in this case adopted the ALJ's conclusion that S.K. did not intentionally or knowingly harm Minor, but that his actions were reckless and, thus, constituted child abuse under the Law. See R.R. II at 242, 264-265.

S.K. argues that the BHA erred by applying a recklessness standard and concluding that he committed child abuse. He claims that since he accidentally injured Minor on September 15, 2017, pursuant to the Supreme Court's decision in *P.R. v. Department of Public Welfare*, 569 Pa. 123, [801 A.2d 478](#) (2002), the BHA should have applied a criminal negligence standard.

Preliminarily, in *P.R.*, an indicated report of child abuse was filed naming the mother as the perpetrator after she inflicted a serious eye injury on the child while attempting to strike the child with a belt as punishment for writing on the walls. DHS applied a foreseeability standard, concluded that the child's injury resulted from abuse, and denied the mother's request to expunge the indicated report. This Court reversed DHS' order, "finding that foreseeability alone was an insufficient basis to sustain a conclusion that the injury resulted from abuse rather than an accident." *Id.* at 479.

On appeal, the Pennsylvania Supreme Court affirmed this Court's conclusion that the mother's indicated report should be expunged, but did not endorse this Court's foreseeability standard. Rather, our Supreme Court held:

To balance the competing objectives of protecting children from abuse while maintaining the parental right to use corporal punishment, the legal standard for differentiating abuse from accident must acknowledge some level of culpability by the perpetrator that his actions could reasonably create a serious injury to the child. The standard that best comports with the problem of defining abuse in terms of nonaccidental injury is criminal negligence.

Criminal negligence intertwines the concepts of foreseeability and intent to a degree that this [Supreme C]ourt finds appropriate for differentiating cases of accidental and nonaccidental injury in keeping with the legislative directive contained within the [Law]. The legislature has defined criminal negligence as follows:

A person acts negligently with respect to a material element of an offense when he should be aware of a substantial and unjustifiable risk that the

material element exists or will result from his conduct. The risk must be of such a nature and degree that the actor's failure to perceive it, considering the nature and intent of his conduct and the circumstances known to him, involves a gross deviation from the standard of care that a reasonable person would observe in the actor's situation.

18 Pa.C.S. [ ] § 302(b)(4). This definition satisfies the parameters of defining an injury caused by abuse as something that occurs in contrast to an injury caused by accident.

Accordingly, . . . in cases where a child suffers a serious injury arising from the administration of corporal punishment, a finding that the injury resulted from abuse versus accident will depend upon a showing, by the agency, through substantial evidence, that the injury resulted from criminal negligence.

*Id.* at 486–87 (emphasis added).

Although the Law has been amended since *P.R.* was decided, this Court has held that "the criminal negligence standard proffered by our Supreme Court in *P.R.* is now codified in the [Law] under the auspices of the definition of 'nonaccidental.' The result is that *P.R.* remains controlling precedent, and criminal negligence is still the proper standard in corporal punishment cases." *F.R. v. Dep't of Pub. Welfare*, 4 A.3d 779, 787 (Pa. Cmwlth. 2010) (bold and underline emphasis added). However, because the instant matter does not involve corporal punishment, *P.R.* is inapposite.<sup>11</sup> Accordingly, the BHA properly declined to apply a criminal negligence standard, and applied a recklessness standard when reviewing S.K.'s appeal.

Section 6303(a) of the Law states that the term "recklessly" as used in the Law "shall have the same meaning as provided in [Section 302 of the Crimes Code], 18 Pa.C.S. § 302 (relating to general requirements of culpability)." 23 Pa.C.S. § 6303(a). Section 302(b)(3) of the Crimes Code establishes:

A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and intent of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation.

18 Pa.C.S. § 302(b)(3) (emphasis added).

At the hearing, OCYF presented the September 15, 2017 video recording, the Facility's Emergency Safety Physical Intervention (ESPI) Report, OCYF's Investigation Report, Minor's medical records, and testimony from Minor, the Facility's Vice President of Treatment Services S.D. (S.D.), and OCYF Human Services Program representative Wilson Smith (Smith). S.K. testified and presented D.F.'s testimony.

Minor testified that he could not recall specifically how S.K. restrained him in the time-out room, only that he was lifted off the ground and then was on the ground. See R.R. II at 29–30, 52–53. He claimed that he was tired, not angry, acting out or clenching his fists, and stated he was touching or tapping the time-out room walls rather than hitting them. See R.R. II at 31, 47, 49, 54–55, 63. Minor admitted making contact with S.K. every time he attempted to reach the light switch, but maintained that it was "not forcefully." R.R. II at 60.

S.D. testified that after she learned of S.K.'s restraint of Minor, she reviewed the ESPI Report, the video recording and Minor's medical records. See R.R. II at 85–89. She acknowledged that S.K. clearly attempted to talk to Minor for approximately 10 minutes, yet Minor appeared to be agitated and was punching the walls, and tried to push past S.K. more than once. See R.R. II at 96–97. S.D. further opined that "[v]erbal behavior is not a danger," and that no approved restraint method authorized S.K. to subdue Minor to the floor. R.R. II at 113; see also R.R. II at 111–112. She expressed that take-downs would only be appropriate in the most extreme cases and this was not one of them. See R.R. II at 115–116. However, based upon Minor's position in the time-out room, S.D. acknowledged the possibility that if S.K. had effectuated a proper upper torso restraint, Minor would have had access to the doorway and the hall. See R.R. II at 104.

Smith, the OCYF employee assigned to investigate the incident, testified that he reviewed the video footage and Minor's medical records, and interviewed Minor, whose recollection of the incident was the same as his testimony, in that he could not recall details of the restraint itself. See R.R. II at 130, 132. Smith agreed that Minor needed to be in the time-out room and, although Minor's reaching outside the room was sufficient justification for S.K. to restrain Minor, the take-down was not necessary since it was evident that S.K. was in complete control of Minor at that point. See R.R. II at 137, 146–148.

S.K. testified that, although he was not aware of Minor's specific diagnosis, the youth in the Facility unit he supervised on September 15, 2017, had been adjudicated delinquent, had behavioral health issues, or both. See R.R. II at 169–171. He acknowledged that he was taught that any time a restraint is used, there is potential for injury, and that there was an increased injury risk if an unapproved restraint is used. See R.R. II at 186–187, 189–190. S.K. explained that he had a good relationship with Minor, he cared about him and wanted him to do well. See R.R. II at 171.

S.K. stated that Minor's demeanor when he left the classroom that morning was "like a combination of sarcastic and angry[; he] wanted to show that he got kicked out of school and he's in charge." R.R. II at 173. S.K. recalled that because Minor took a fighting stance with clenched fists in his room, S.K. used an SCM-approved extended arm escort technique when he and D.F. took Minor to the time-out room. See R.R. II at 174–175. S.K. reported that, in the

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time-out room, Minor was walking in circles with clenched fists and threatening to assault S.K., his peers and staff members, and to get out of the Facility "his way." R.R. II at 177. He described that, during this time, he was talking to Minor (using choice techniques) and asking how he could help Minor. See R.R. II at 177–178.

S.K. stated that, after Minor contacted him to get past him the second time, S.K. warned Minor that if he tried it again, S.K. would have to restrain him. See R.R. II at 180. S.K. recounted that the other staff members did not respond to his two calls for help<sup>12</sup> and Minor's behavior in the time-out room was escalating, so when Minor approached him the third time, he intended to place Minor in an upper torso restraint<sup>13</sup> to keep him from leaving the room and either fulfilling his threats or getting hurt in the concrete hallway. See R.R. II at 179–182. S.K. testified:

In a split second, I had to think—I had to think outside of this time-out room, it is concrete floors, concrete walls, there are other youth out there who he may or may not try to harm, other staff members that [Minor] may or may not try to harm, and that I have to keep him in the time-out room for everybody's safety.

It's a small room. I was initially in a doorway, which makes it difficult to get around. And I got him by the waist. I intended for an upper torso. It did



not happen. I made a mistake. But I had to commit, or a more serious injury could have happened.

R.R. II at 181. He reported that he tried to pull Minor back in the room, but ended up lifting him. See R.R. II at 182. S.K. testified that he was not angry and he did not intend to lift Minor or for Minor to hit his head or otherwise get hurt in any way. See R.R. II at 182-183. S.K. acknowledged his mistake and admitted that his take-down was improper. See R.R. II at 131, 183, 185.

"In child abuse expunction proceedings, the [BHA], as the [DHS] Secretary's designee, is the ultimate finder of fact, and the ultimate arbiter of the weight to be assigned to the evidence presented." *Beaver Cty. Children & Youth Servs. v. Dep't of Pub. Welfare*, 68 A.3d 44, 47 n.4 (Pa. Cmwlth. 2013); see also *D.T. v. Dep't of Pub. Welfare*, 873 A.2d 850 (Pa. Cmwlth. 2005). Here, the BHA adopted the ALJ's finding that all of the witnesses testified credibly, and the ALJ's conclusion that S.K.'s actions were reckless and, therefore, constituted child abuse under the Law. See ALJ Dec. at 11, 21-23. The BHA also relied upon the ALJ's reasoning:

[A]ny reasonable adult knows that picking a child up off the ground and slamming him head first to the ground creates a substantial and unjustifiable risk of serious injury to the child. In this case, although [S.K.] had to act quickly, he nevertheless slammed [Minor] to the ground head first, disregarding a substantial and unjustifiable risk [Minor] would suffer bodily injury as a result.

Not only was [S.K.'s] take-down of [Minor] in violation of his SCM training, it was a gross deviation from the standard of conduct that a reasonable person would observe in his situation. [Minor] was certainly agitated; making inappropriate comments about wanting to get out of the [time-out room], turn off the lights, etc.; and repeatedly moved toward (and made physical contact with) [S.K.] in [an] attempt to turn the lights off. But [Minor's] action's did not warrant the kind of 'take-down' [S.K.] performed.

. . . This was a situation where a troubled child was frustrated, verbally acting out, and disobeying [S.K.'s] verbal commands not to turn off the time-out room lights. No reasonable person in [S.K.'s] situation, especially a person with [S.K.'s] specialized SCM training, would have picked [Minor] up off the floor and slammed him head first into the ground and with as much force as [S.K.] did. . . . [S.K.] repeatedly testified he 'made a mistake' and did not mean to take [Minor] to the ground as hard as he did. Regardless, [S.K.] intentionally used a non-SCM technique in violation of his training, knowing it increased the risk of injury to [Minor]; intentionally put [Minor] in a bear-hug; intentionally lifted [Minor] up off the ground; and intentionally and forcefully slammed [Minor] to the ground head first. While [S.K.] may believe, in retrospect, that his actions were a 'mistake,' what matters is that in the moment, [S.K.] acted in disregard of a substantial and unjustifiable risk [Minor] would suffer bodily injury.

ALJ Dec. at 21-22; R.R. II at 264-265. Accordingly, the BHA held that the evidence supporting S.K.'s indicated report of child abuse was accurate and the report is being maintained in accordance with the Law.

"It goes without saying that an appellate court may not find facts or reweigh the evidence. Nevertheless, whether [OCYF's] evidence satisfied the standard set forth in the statute is a question of law." *In re: S.H.*, 96 A.3d 448, 455 (Pa. Cmwlth. 2014) (citations omitted). Under the Law, S.K. acted recklessly if there was a "substantial and unjustifiable risk" about which S.K. was aware but "consciously disregard[ed]," and his disregard of that risk "gross[ly] deviat[ed]" from what another reasonable person in his situation would have done. 18 Pa.C.S. § 302(b)(3). Because those key terms are not defined in either the Crimes Code or the Law, they "must be construed in accordance with [their] common and ordinary meaning[s]." See 1 Pa.C.S. § 1903(a). It is well-established that the common and approved meaning of a word may be ascertained from an examination of its dictionary definition." *Chamberlain v. Unemployment Comp. Bd. of Review*, 631 Pa. 489, 114 A.3d 385, 394 (2015).

Merriam-Webster's Collegiate Dictionary (11th ed. 2004) (Merriam-Webster's) defines "risk" as the "possibility of loss or injury: PERIL[.]" *Id.* at 1076. The risk must be substantial and unjustifiable. Merriam-Webster's defines "substantial" as "not imaginary or illusory: REAL, TRUE[.]" *Id.* at 1245. Although "unjustifiable" is not separately defined, Merriam-Webster's defines "justifiable" as "capable of being justified: EXCUSABLE." *Id.* at 680. By extension, "unjustifiable" means incapable of being justified or inexcusable. Accordingly, here, the substantial and unjustifiable risk would be the real possibility that Minor would sustain a bodily injury for which there is no justification, excuse or defense.

To meet the definition of reckless, S.K. had to have consciously disregarded that risk. Merriam-Webster's defines "conscious" as "perceiving, apprehending, or noticing with a degree of controlled thought or observation[.]" *Id.* at 265. Merriam-Webster's defines "disregard" as "to pay no attention to: treat as unworthy of regard or notice[.]" *Id.* at 362. Thus, S.K. had to have perceived, but ignored the risk or deemed it unworthy of regard.

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Finally, S.K.'s conscious disregard of the risk had to have grossly deviated from what a reasonable person in S.K.'s circumstances would have found acceptable. Merriam-Webster's defines "gross" as "immediately obvious[;] . . . glaringly noticeable usu[ally] because of inexcusable badness or objectionableness[.]" *Id.* at 551. Merriam-Webster's defines "deviation" as a "noticeable or marked departure from accepted norms of behavior." *Id.* at 342. Therefore, S.K. had to have glaringly obviously deviated from conduct a reasonable person would find acceptable in the same circumstances.

In *Fitsko v. Gaughenbaugh*, . . . 363 Pa. 132, 69 A.2d 76 ([Pa.] 1949), [the Pennsylvania Supreme Court] cited with approval the Restatement (Second) of Torts definition of 'reckless disregard' and its explanation of the distinction between ordinary negligence and recklessness. Specifically, the Restatement (Second) of Torts defines 'reckless disregard' as follows:

The actor's conduct is in reckless disregard of the safety of another if he does an act . . . knowing or having reason to know of facts which would lead a reasonable man to realize, not only that his conduct creates an unreasonable risk of physical harm to another, but also that such risk is substantially greater than that which is necessary to make his conduct negligent.

Restatement (Second) of Torts § 500 (1965). The Commentary to this Section emphasizes that '[recklessness] must not only be unreasonable, but it must involve a risk of harm to others substantially in excess of that necessary to make the conduct negligent.' *Id.*, cmt. a. Further, as relied on in *Fitsko*, the Commentary contrasts negligence and recklessness:

Reckless misconduct differs from negligence in several important particulars. It differs from that form of negligence which consists in mere inadvertence, incompetence, unskillfulness, or a failure to take precautions to enable the actor adequately to cope with a possible or probable future emergency, in that reckless misconduct requires a conscious choice of a course of action, either with knowledge of the serious danger to others involved in it or with knowledge of facts which would disclose this danger to any reasonable man. . . . The difference between reckless misconduct and conduct involving only such a quantum of risk as is necessary to make it negligent is a difference in the degree of the risk, but this difference of degree is so marked as to amount substantially to a difference in kind.

*Id.*, cmt. g; see also AMJUR Negligence § 274 ('Recklessness is more than ordinary negligence and more than want of ordinary care; it is an extreme

departure from ordinary care, a wanton or needless indifference to consequences, an indifference whether or not wrong is done, and an indifference to the rights of others'). Our criminal laws similarly distinguish recklessness and negligence on the basis of the consciousness of the action or inaction. See 18 Pa.C.S. [ ] § 302(b)(3), (4) (providing that a person acts recklessly when he 'consciously disregards a substantial and unjustifiable risk,' while a person acts negligently when he 'should be aware of a substantial and unjustifiable risk').

This conceptualization of recklessness as requiring conscious action or inaction not only distinguishes recklessness from ordinary negligence, but aligns it more closely with intentional conduct.

*Tayar v. Camelback Ski Corp., Inc.*, [616 Pa. 385](#), [47 A.3d 1190](#), 1200-01 (2012) (emphasis added).

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Section 302(b)(3) of the Crimes Code, incorporated by Section 6303(a) of the Law, specifies that a determination of whether the risk was of such a nature and degree that its disregard vastly departed from acceptable conduct must be determined "considering the nature and intent of [S.K.'s] conduct and the circumstances known to [S.K.]" when the incident occurred. 18 Pa.C.S. § 302(b)(3) (emphasis added).

Here, the credible testimony does not support the BHA's denial of S.K.'s expungement request. The record evidence demonstrates that S.K. was a concerned staff person who tried everything within his means to de-escalate Minor's behavior. The circumstances known to S.K. were that Minor was agitated and threatening, and he had already carried out one of his threats—to get thrown out of school. S.K. maintained self-control. He talked and acted calmly toward Minor, using SCM-approved choice theory techniques, but Minor's agitation escalated. S.K. did not have a panic button or staff assistance available to him, and he was aware that a camera was recording his actions. Minor twice attempted to reach or get outside the time-out room, each time physically contacting S.K. in the process. S.K. warned Minor that a third try would result in restraint, and S.K.'s requests for assistance were futile. S.K. intended to use an SCM-approved upper torso restraint but, in a split-second decision to protect Minor and other residents, S.K.'s upper torso restraint did not go as planned, S.K. used a modified wrestling move and Minor landed on the floor. S.D. acknowledged the possibility that if S.K. had effectuated a proper upper torso restraint, Minor would have had access to the doorway and the hall.

This Court acknowledges that S.K. was aware that bodily injury could occur when SCM-approved manual restraints are used, and the risk increased if other restraint techniques are used. However, the OCYF failed to establish that, under the circumstances facing S.K. on September 15, 2017, S.K. consciously disregarded or was indifferent to the risk that Minor could be injured when S.K. restrained him. Nor is there any credible record evidence that S.K. grossly deviated from what a reasonable person would have found acceptable under the same circumstances. Accordingly, the BHA erred by concluding that S.K. acted recklessly and, thus, committed child abuse.<sup>14</sup>

Based on the foregoing, the BHA's April 20, 2018 order is reversed.

## ORDER

AND NOW, this 27th day of March, 2019, the Department of Human Services Bureau of Hearings and Appeals' April 20, 2018 order is reversed.

## FootNotes

1. Section 6303(a) of the Child Protective Services Law (Law) defines an "indicated report" as a report issued by DHS if it "determines that substantial evidence of the alleged abuse by a perpetrator exists based on any of the following: (i) [a]vailable medical evidence[;] (ii) [t]he child protective service investigation[;] or (iii) [a]n admission of the acts of abuse by the perpetrator." 23 Pa.C.S. § 6303(a); *see also* Section 3490.4 of DHS' Regulations, 55 Pa. Code § 3490.4.

2. Section 3490.4 of the DHS Regulations defines "ChildLine" as

[a]n organizational unit of [DHS] which operates a Statewide toll-free system for receiving reports of suspected child abuse established under [S]ection 6332 of the [Law] (relating to establishment of Statewide toll-free telephone number), refers the reports for investigation and maintains the reports in the appropriate file. . . .

55 Pa. Code § 3490.4. "The ChildLine Registry is maintained in accordance with the [Law]." *In re: S.H.*, [96 A.3d 448](#), 450 n.2 (Pa. Cmwlth. 2014).

3. S.K. presents six issues in his Statement of Questions Involved: Whether the Administrative Law Judge (ALJ) erred and abused her discretion by denying S.K.'s expunction request where evidence demonstrates that (1) S.K. accidentally inflicted injury on Minor and no mens rea was established; (2) S.K.'s contact with Minor is excluded from the definition of child abuse in Section 6304(c)(1) of the Law, 23 Pa.C.S. § 6304(c)(1); (3) S.K.'s contact with Minor is excluded from the definition of child abuse in Section 6304(c)(2)(i) of the Law, 23 Pa.C.S. § 6304(c)(2)(i); (4) S.K.'s contact with Minor is excluded from the definition of child abuse in Section 6304(c)(2)(ii) of the Law, 23 Pa.C.S. § 6304(c)(2)(ii); (5) S.K.'s contact with Minor is excluded from the definition of child abuse in Section 6304(c)(2)(iii) of the Law, 23 Pa. C.S. § 6304(c)(2)(iii); and (6) the ALJ applied a standard of care less than criminal negligence. *See* S.K. Br. at iii-iv, 18-24. Because these issues are subsumed in this Court's analysis of whether the BHA properly applied a recklessness standard in concluding that S.K.'s actions constituted child abuse and whether S.K. used reasonable force, they have been combined herein.

4. 23 Pa.C.S. §§ 6301-6386.

5. "Our review [of BHA's order] determines whether constitutional rights were violated, whether errors of law were committed or whether necessary findings of fact are supported by substantial evidence." *S.H.*, 96 A.3d at 453 n.4. Section 6303(a) of the Law defines "substantial evidence" as "[e]vidence which outweighs inconsistent evidence and which a reasonable person would accept as adequate to support a conclusion." 23 Pa.C.S. § 6303(a); *see also* *G.V. v. Dep't of Pub. Welfare*, [625 Pa. 280](#), [91 A.3d 667](#) (2014); *S.H.*

6. For 2½ years, S.K. had been a clinical manager in the Facility's Special Needs 7 unit. *See* R.R. II at 164. S.K. held a bachelor's degree with a psychology



minor and, at the time of this incident, he was pursuing a graduate degree in clinical mental health counseling. *See* R.R. II at 164-166.

7. The time-out room was approximately 5 feet wide and 6 or 7 feet long, with padding on the walls and the floor. *See* R.R. II at 53, 103. The hallway immediately outside the time-out room was constructed of concrete, with carpet over the concrete floor. *See* R.R. II at 53, 59, 103.

D.F. testified that he assisted S.K. in escorting Minor to the time-out room, but was called away to help staff member A.W. with another child and did not witness anything that occurred while Minor and S.K. were in the time-out room. *See* R.R. II at 160-161.

8. S.K. reported that he called out for help twice before the incident occurred, and once after he had Minor on the ground, but D.F. and A.W. were occupied with the other incident. *See* R.R. II at 179-180.

9. Although it was standard practice for Facility staff to carry panic alarms with them to summon assistance when necessary, when this incident occurred, S.K. did not have a panic alarm available to him. *See* R.R. II at 101, 176-177. There were three Facility staff (S.K., D.F. and A.W.) on duty on September 15, 2017, and A.W. had the only panic alarm, since the night staff either took one home or misplaced it. *See* R.R. II at 160.

10. "Bodily injury" is defined in Section 6303(a) of the Law as "[i]mpairment of physical condition or substantial pain." 23 Pa.C.S. § 6303(a).

11. Notably, Section 3800.32(b) of DHS' Regulations applicable to child residential facilities specifies that "[a] child may not be . . . subject to corporal punishment." 55 Pa. Code § 3800.32(b). Therefore, S.K. was prohibited from inflicting corporal punishment on Minor.

12. At the time, D.F. and A.W. were dealing with an incident involving another child. *See* R.R. II at 160-161.

13. S.K. described the SCM upper torso restraint: "You're standing up, and you swoop your arms over the shoulders (indicating), and you hold your arms together . . . [with the child] facing away." R.R. II at 93-94.

14. In light of this Court's disposition of the first issue, it need not address the second issue which was S.K.'s defense under Section 6304(c) of the Law.

---

## Comment

Your Name

Your Email

Comments

Submit

1000 Characters Remaining

*Leagle.com reserves the right to edit or remove comments but is under no obligation to do so, or to explain individual moderation decisions.*

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

Dear Colleague:

MAR 14 2019

The Department of Human Services (department) is committed to assuring the health and safety of the children placed in residential facilities, day treatment programs, and resource family homes. This letter is being sent in accordance with the department's procedures for notifying individuals involved in making placement decisions for children, of all substantiated reports of child abuse occurring within a facility, formal licensing actions, certain criminal incidents or delinquent acts, all suspicious deaths, and certain other events.

This letter is to inform you that a staff member at Adelphoi Village in Towanda sexually abused or exploited a child over a three-week period. The employee was immediately terminated. There are criminal charges for Institutional Sexual Assault pending for the staff member who perpetrated the assault against the victim child. A Child Protective Services (CPS) investigation was indicated on January 31, 2019, for causing sexual abuse or exploitation of a child through any act or failure to act.

Information on Adelphoi Village is as follows:

Adelphoi Village  
License # 226190  
861 Golden Mile Road  
Towanda, Pennsylvania 18854  
County: Bradford  
Region: Northeast

This notification is for your information as you make decisions about individuals who may be placed with this program or who you have placed with this program. Inquiries regarding incident-specific information should be directed to the identified agency, not to the Office of Children, Youth and Families (OCYF). Questions regarding the notification protocol should be directed to the appropriate OCYF Regional Office.

Sincerely,

  
Cathy A. Utz  
Deputy Secretary



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HUMAN SERVICES

Dear Colleague:

AUG 29 2019

The Department of Human Services (department) is committed to ensuring the health and safety of the children placed in residential facilities, day treatment programs, and resource family homes. This letter is being sent in accordance with the department's procedures for notifying individuals involved in making placement decisions for children of formal licensing actions, certain criminal incidents or delinquent acts, all deaths, and certain other events.

This letter applies to licensees that provide or arrange for placement for children and youth up to age 21 under Title 55 Pa. Code Chapters 3130 (relating to administration of county children and youth social service programs), 3350 (relating to adoption services), 3680 (relating to administration and operation of a children and youth social service agency), 3700 (relating to foster family care agency), and 3800 (relating to child residential and day treatment facilities), as well as to YDCs and YFCs. These notification requirements also apply to educational programs located within a Chapter 3800 program, YDC or YFC.

This letter is to inform you that an incident in a facility resulted in a staff being removed from child care duties based on an approved plan of supervision.

Information on Adelphoi Village, Inc., Alliance is as follows:

Adelphoi Village, Inc.  
Alliance  
License Number: 411060  
112 Porter Avenue  
Connellsville, Pennsylvania 15425  
County: Fayette  
Region: Western

Inquiries regarding incident-specific information should be directed to the identified agency not to the Office of Children, Youth and Families (OCYF). Questions regarding the notification protocol should be directed to the appropriate OCYF Regional Office.

Sincerely,

A handwritten signature in cursive script that reads "Amy Grippi".

Amy Grippi  
Acting Deputy Secretary

Testimony on the Office of Children's Advocate

Secretary Teresa Miller

Department of Human Services

House Children & Youth Committee

June 19, 2018



Thank you for the opportunity to submit written testimony on establishing the Office of Children's Advocate within the Office of Attorney General. Based on Representative Petri's House Bill 1311, the Children's Advocate would be tasked with investigating complaints against the child welfare system, policies, and procedures, advocating for legislative changes, providing recommendations to the Governor, General Assembly, Supreme Court, Attorney General, and Department of Human Services (DHS), and advising the public on assistance the Children's Advocate can provide.

The Department of Human Services (DHS) Office of Children, Youth and Families (OCYF) oversees Pennsylvania's child welfare system, which is state-supervised and county-administered. Each of the 67 counties in the commonwealth have an established child welfare agency. The structure of the county agency differs from county to county; however, all counties are responsible to provide protective services to children in accordance with the Human Services Code, Child Protective Services Law, Juvenile Act, Adoption Act, and DHS regulations. County children and youth agencies may provide these services directly or through purchase of service contracts with private providers with the county agency assuming a case management function.

DHS is committed to continuously assessing and analyzing child welfare system strengths and challenges, and developing strategies to improve the services provided to children and families. Currently supervision and oversight are provided on many levels. Within DHS, four regional offices under OCYF's Bureau of Children and Family Services monitor both county agencies and private providers. The regional offices are responsible for annual licensure, complaint investigations, investigations of child abuse when there is a conflict of interest due to a contractual relationship, technical assistance, quality service reviews, child fatality/near fatality case reviews, and needs-based plan and budget reviews. The regional offices, as part of their



primary responsibilities, investigate complaints received regarding the services delivered by county and private children and youth agencies. This includes identifying whether statutory or regulatory violations occurred and providing recommendations for practice improvement and development of a corrective action plan.

The Pennsylvania Auditor General's Office conducts financial and performance audits of individuals, state agencies, and organizations that receive state funds, which includes county children and youth agencies. Cost reports for all 67 county children and youth agencies are reviewed by the Auditor General's Office to determine the proper use of state funds to administer social services and to protect children from abuse and neglect. Complaints to the Auditor General's Office can result in an audit that independently assesses the performance, administration, and management of a children and youth agency.

Additional oversight of the child welfare system occurs through the appeal process. In Pennsylvania, families, licensed agencies, and individuals named as perpetrators can appeal several decisions made within the child welfare system. This process helps to ensure that due process is served to the consumers of child welfare services. Depending on the situation, an appeal can be made to the county children and youth agency, Family Foster Care Agency (FFCA), DHS Bureau of Hearings and Appeals, Commonwealth Court, or the DHS Secretary.

With a focus on continuous quality improvement, DHS established the PA Child Welfare Council in November 2016. The group consists of about 50 multidisciplinary members including county children and youth agencies; private providers; courts and law enforcement; advocates; and the Departments of Education, Health, and Drug and Alcohol Programs; the Juvenile Court Judges Commission; and the Pennsylvania Commission on Crime and Delinquency. The Council

and its subcommittees meet regularly to assess the child welfare system, identify strengths and areas for growth, and guide systemic change.

To date, the Council has reviewed statewide child abuse and neglect data, reasons children enter Pennsylvania's foster care system, outcome data for counties participating in the quality service review initiative, and federal mandated plans and system goals. This information was used to establish priority areas for system change in the areas of safety, permanency, and well-being. In October 2017, four subcommittees were formed to lead the development of detailed action plans that would result in overarching system change. The Council and subcommittees continue to meet on a regular basis to identify action steps that will lead to long-term system change.

If the Office of Children's Advocate is established, DHS recommends the office complement existing efforts and avoid duplication of current oversight responsibilities of the OCYF regional offices, Pennsylvania Auditor General's Office, appeal process, and PA Child Welfare Council. A Children's Advocate should focus on assisting youth, families, partner agencies, citizens, and media professionals with system navigation, and educating the public of the roles and responsibilities of the child welfare system. The position could also engage in cross-system collaboration with the Departments of Education, Health, and Corrections, and serve as an active member of the PA Child Welfare Council, Statewide Child Fatality/Near Fatality Trend Analysis Team, and other appropriate committees and workgroups.

Thank you again for the opportunity to submit written testimony and thank you for your continued support of Pennsylvania's children and families.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

# CERTIFICATE OF COMPLIANCE

This Certificate is hereby granted to GLEN MILLS SCHOOLS

LEGAL ENTITY

To operate TYLER HALL

NAME OF FACILITY OR AGENCY

Located at 185 GLEN MILLS ROAD, GLEN MILLS, PA 19342

(COMPLETE ADDRESS OF FACILITY OR AGENCY)

ADDRESS OF SATELLITE SITE

ADDRESS OF SATELLITE SITE

ADDRESS OF SATELLITE SITE

ADDRESS OF SATELLITE SITE

ADDRESS OF SATELLITE SITE

ADDRESS OF SATELLITE SITE

To provide Residential Services - Institutional based, dependent & delinquent

TYPE OF SERVICE(S) TO BE PROVIDED

The total number of persons which may be cared for at one time may not exceed 81  
or the maximum capacity permitted by the Certificate of Occupancy, whichever is smaller.

(MAXIMUM CAPACITY)

Restrictions: \_\_\_\_\_

This certificate is granted in accordance with the Public Welfare Code of 1967, P.L. 31, as amended, and Regulations

55 Pa.Code Chapter 3800: Child Residential and Day Treatment Facilities

(MANUAL NUMBER AND TITLE OF REGULATIONS)

and shall remain in effect from July 1, 2012 until July 1, 2013,  
unless sooner revoked for non-compliance with applicable laws and regulations.

No: **137300**

*Robert E. Robinson*

ISSUING OFFICER

*Beverly D. Mackerseth*

DEPUTY SECRETARY

NOTE: This certificate is issued for the above site(s) only and is not transferable  
and should be posted in a conspicuous place in the facility.

PW 628 - 11/11



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE  
P.O. BOX 2675  
HARRISBURG, PENNSYLVANIA 17105-2675

Office of Children, Youth & Families  
Deputy Secretary's Office

AUG 02 2012

Phone: 717-787-4756  
Fax: 717-787-0414

Mr. Garrison D. Ipock  
Executive Director  
Glen Mills Schools  
Attn: Chris Spriggs  
Director of Regulatory Compliance  
P.O. Box 5001  
Concordville, PA 19331

**RE:** Glen Mills Schools – Tyler Hall  
P.O. Box 5001  
Concordville, PA 19331  
License #137300

Dear Mr. Ipock:

As a result of the Department of Public Welfare's Annual Evaluation conducted March 22, 2012 to May 4, 2012 at the above-named facility, we have noted deficiencies with 55 Pa. Code Chapter 3800 – Child Residential and Day Treatment Facilities. Your plan of correction has been reviewed and approved. Based on your approved plan of correction a full certificate of compliance is being issued to the above-named site for 55 Pa. Code Chapter 3800 – Child Residential and Day Treatment Facilities.

Your copy of the certificate is enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Beverly Mackereth".

Beverly D. Mackereth  
Deputy Secretary

Enclosure

# LICENSING/APPROVAL/REGISTRATION INSPECTION SUMMARY

PAGE 1 OF 2 PAGES

NAME OF AGENCY/FACILITY <b>Glen Mills Schools (TYLER HALL)</b>		TELEPHONE 610-459-8100		OCYF REGIONAL STAFF APPROVAL		DATE	
ADDRESS <del>185 Glen Mills Road, Glen Mills, Pa 19342</del> PO Box 5001 Concordville, PA 19331		COUNTY DELAWARE		Daryl Debnam (MHS)		7/20/12	
INSPECTED BY <b>Daryl J. Debnam, MHS</b>		INSPECTION DATE 03/22/12 to 05/04/12		Daryl Debnam (MHS)		7/20/12	
INITIAL INSPECTION	RENEWAL INSPECTION	COMPLAINT	UNANNOUNCED INSPECTION	RANDOM SAMPLE			
	X						

## License# 137300 - (3800 Regulations)

1. AUTHORITY 55 PA CODE CHAPTER	2. NON-COMPLIANCE AREA	3. CORRECTION REQUIRED	4. REQUIRED CORRECTION DATE	5. PROVIDERS PLAN OF CORRECTION OR RESPONSE	6. STATUS OF CORRECTION
---------------------------------------	------------------------	------------------------	-----------------------------------	--	----------------------------

Glen Mills Schools was founded in 1826 as the Philadelphia House of Refuge. The Schools has provided services continuously for 186 years and is the oldest existing institution of its type in the United States. Located in Delaware County, Pennsylvania and situated on over eight hundred acres, it has occupied its present location since the 1890s. The Glen Mills Schools is licensed as a §3800 Residential Facility. Glen Mills Schools uses a Sociological Model accepting two basic mandates for youth: (1) to change behavior from anti-social to pro-social; and (2) to develop life skills that will help sustain this change. They advocate that delinquency can be successfully addressed by providing youth with the benefit of placement within the framework of strong, staff supervision in a community where anti-social behavioral values will be challenged and replaced with pro-social values during the ongoing process of holding each youth accountable for his behavior. To accomplish this objective, 24 hour supervision, provided by positive, adult role models and clear standards of positive behavior are utilized to develop life skills to sustain behavioral change. The cornerstone of their Sociological Model is their established normative culture; a way of behaving, using norms, rather than a complicated system of rules. At Glen Mills Schools the Group Living Department has the ongoing responsibility of systematically monitoring, molding, maintaining and supervising the normative culture as the means of teaching youth self-control and pro-social behavior, dealing with behavior in the context of the here and now while promoting individual growth and responsibility within their student body. The use of positive peer pressure, carefully supervised by staff members, is applied through confrontation and feedback to maintain this environment, as well as, to initiate and maintain individual change. Commitments, rewards, sanction systems and reinforcement techniques are tools to strengthen and maintain this culture. The Schools compliments the benefit of their positive, normative environment and methods of behavioral accountability with a selection of researched and evidence-based programming including: Moral Reconnection Therapy®, Coping with Anger®, Parenting and Family Values®, Botvin Life Skills®, Gun Violence Reduction and Drug and Alcohol Education. In addition youth are provided with academic, as well as, career and technical programming. Glen Mills also offers an array of sport and recreational activities. They are also a participant in The Balanced Approach Restorative Justice programming. On April 26, 2012, Glen Mills Schools conducted their 26<sup>th</sup> Annual Career Day for the youth which was very successful. The Department of Public Welfare's Office of Children, Youth and Families conducted its annual licensing Inspection of Glen Mills Schools for the time period from 04/23/12 through 05/04/12. The period of review was 06/30/11 thru 03/31/12. For this Inspection 53 Personnel records and 53 children records were reviewed; also reviewed were the current Policies and Procedures. I also met with 1 Executive Director, 2 Regulatory Compliance Directors, 1 Education Director & 2 Team Leaders to discuss how the inspection would be conducted. As a part of the formal Annual Inspection 10 Staff and 24 students were randomly selected for face-to-face interviews. The Facility is licensed to

house 886 Male Youth ages 13 to 21. The total amount of students served for this inspection period was 1482. The Department reviewed a sample of children records as well as employee files as a part of this review. Tyler Hall served 116 students this inspection period, out of the students served the Department received 3 For Your Information (FYI) & unnumbered Childline reports which required standard investigation of the allegations. The Department also received 2 numbered Child Abuse reports that were investigated by the Southeast Regional Office; none of the reports were Indicated. The Department also reviewed 1 complaint filed against Tyler Hall this inspection period. The Department has reviewed the facility's reportable incidents on HCSIS. The Department found two violations concerning the well-being of the children receiving Residential Services at Glen Mills Schools.

3800.32 (b)(c)	It was determined during the CPS investigation that the child <b>specific rights were violated</b> . The facility must ensure that a child is not mistreated, harassed or subject to corporal punishment. The facility must ensure that a child is treated with fairness and respect.  FYI-( TYLER HALL )	The facility must ensure that child specific rights are not violated. The facility must submit a written procedure describing in detail how the plan will be Implemented, and who will be responsible for monitoring to ensure it becomes a practice and is compliant with the regulation.		See ATTACHMENT "A"	<i>Accept</i> <i>MD</i>
3800. 202 (a)	It was determined during the CPS investigation that an inappropriate <b>restraint technique</b> was used to restrain the child. Restrictive procedure may not be used in a punitive manner for the convenience of a staff person or program substitution.  FYI-( TYLER HALL )	The facility must ensure that staff is trained on the use of appropriate restraint techniques. The facility must submit a written procedure describing in detail how the plan will be Implemented, and who will be responsible for monitoring to ensure it becomes a practice and is compliant with the regulation.		See ATTACHMENT "B"	<i>Accept</i> <i>MD</i>

THE LEGAL ENTITY REPRESENTATIVE MUST COMPLETE COLUMN 5, SIGN ON THE SIGNATURE LINE AT THE BOTTOM AND DATE ALL PAGES OF THIS DOCUMENT.  
RETURN THIS ENTIRE DOCUMENT TO YOUR REGIONAL OFFICE BY:



Executive Director

SIGNATURE OF LEGAL ENTITY REPRESENTATIVE

TITLE

July 3, 2012

610-459-8100

DATE

TELEPHONE NUMBER



## ATTACHMENT A

The Glen Mills Schools continues to acknowledge the importance of specific child rights. In an effort to insure that the rights of our youth are protected, Glen Mills Schools will train every direct care staff in new Behavioral Intervention and Emergency Procedures to address adherence to Child Rights associated with 3800.32, (b) and (c). The staff of the Glen Mills Schools, who will be monitored by the Group Living Director, will undergo formal training conducted by individuals of our training department, who possess at least 25 years of field experience. The Director of Training will insure that the curriculum is appropriate and successfully completed by all staff. Following the training, staff will be assessed to insure competency regarding Child Rights.

In order to ensure that the Behavioral Intervention Policy and Procedure become practice the following steps have been or will be initiated:

- 1.) All individual unit teams have completed specific training related to child's rights, and manual assists. (Completed)
- 2.) A committee of staff representing multiple departments was developed to formulate the Schools' modified behavioral intervention program to promote organizational involvement and commitment. (Completed)
- 3.) Significant research and resources from the juvenile justice field were also utilized in developing the plan. (Completed)
- 4.) All Resource Managers and Team Leaders will be trained first in the Modified Behavioral Intervention Program.
- 5.) Following Team Leaders, all Senior Counselors will be trained.
- 6.) Each unit will then be trained as a small team. This small group approach of staff who works together will create a training environment that is more open and interactive. In addition, to support organizational practice consistent with the policy, each Team Leader will be present supporting the training as a co-trainer. Please note, all Team Leaders, have at least 22 years of field experience.
- 7.) Training practice will be assessed weekly in unit developmental Team Meetings.
- 8.) Supervisory monitoring will be conducted on a regular basis by unit Senior Counselors and Team Leaders.
- 9.) Documentation and tracking systems related to behavioral interventions will be reviewed monthly and the data will help identify areas of concern and need for internal correction.

10.) Additional oversight will be conducted by the Group Living Director 90 days after the conclusion of the training to further ensure that procedures taught are indeed practiced.

11.) Quarterly reviews will be conducted by the Executive Director and Resource Team.

All training will be completed within 90 days from the time the corrective action is approved.

## ATTACHMENT B

The Glen Mills understands the importance of training our staff in the appropriate use of restrictive procedures. The staff of Glen Mills Schools participate in regular trainings on restraints, but will complete a new Behavioral Intervention and Emergency Procedure training, to insure that the practices in the facility are consistent with the regulatory expectation outlined in 3800.202 (a). The staff will be trained on restraint procedures, restraint location, how to restrain an assaultive youth and most importantly, and the only acceptable reasons for restraining youth, by individuals or our training department who possess at least 25 years of field experience. The Director of Training will insure that the curriculum is appropriate and successfully completed by all staff. Following the training, staff will be assessed to insure competency regarding the appropriate use of restrictive procedures. This training will support the administration's expectation of proper restraints, appropriate restraint techniques and appropriate reasons for restraints.

In order to ensure that physical restraints are not being used in a punitive manner and that Behavioral Intervention Policy and Procedures become practice the following steps have been or will be initiated:

- 1.) All individual unit teams have completed specific training related to physical restraints. (Completed)
- 2.) A committee of staff representing multiple departments was developed to formulate the physical restraint component of the Schools' modified behavioral intervention program to promote organizational involvement and commitment. (Completed)
- 3.) Significant research and resources from the juvenile justice field were also utilized in developing the plan. (Completed)
- 4.) All Resource Managers and Team Leaders will be trained first in the Modified Behavioral Intervention Program.
- 5.) Following Team Leaders, all Senior Counselors will be trained.
- 6.) Each unit will then be trained as a small team. This small group approach of staff who works together will create a training environment that is more open and interactive. In addition, to support organizational practice consistent with the policy, each Team Leader will be present supporting the training as a co-trainer. Please note, all Team Leaders, have at least 22 years of field experience.
- 7.) Training practice will be assessed weekly in unit developmental Team Meetings.
- 8.) Supervisory monitoring will be conducted on a regular basis by unit Senior Counselors and Team Leaders.

- 9.) Documentation and tracking systems related to behavioral interventions will be reviewed monthly and the data will help identify areas of concern regarding physical restraints.
- 10.) Additional oversight will be conducted by the Group Living Director 90 days after the conclusion of the training to further ensure that procedures taught are indeed practiced.
- 11.) Quarterly reviews will be conducted by the Executive Director and Resource Team.

All training will be completed within 90 days from the time the corrective action is approved.



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**MAILING DATE: March 13, 2017**

Mr. Randy A. Ireson, Executive Director  
c/o Chris Spriggs, Director Reg. Comp  
Glen Mills School  
P.O. Box 5001  
Concordville, Pennsylvania 19331

RE: Madison Hall  
185 Glen Mills Road  
Glen Mills, Pennsylvania 19342  
License #: 112940

Dear Dr. Ireson:

As a result of the Department of Human Services' licensing inspection on July 26, 2016 of the above facility, the violations with 55 Pa.Code Ch. 3800 (relating to Child Residential and Day Treatment Facilities) specified on the enclosed License Inspection Summary were found.

All violations specified on the enclosed License Inspection Summary must be corrected by the dates specified on the License Inspection Summary and continued compliance with 55 Pa.Code Ch. 3800 must be maintained.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Miller", written over a horizontal line.

Kevin Miller  
Residential Licensing Manager

Enclosure  
Licensing Inspection Summary

**VIOLATION REPORT**  
**CHILD RESIDENTIAL LICENSING - 55 Pa.Code Chapter 3800**

Facility Name: MADISON HALL		License Number: 11294
Address: 185 GLEN MILLS ROAD, GLEN MILLS, PA 19342		County: Delaware
Director: Dr. Randy A. Ireson		Region: SOUTHEAST
Legal Entity Name: GLEN MILLS SCHOOLS		
Legal Entity Address: P.O. BOX 5001, CONCORDVILLE, PA 19331		
Certificate(s) of Occupancy		
Program Type: Residential Services	Licensed Capacity: 68	Number of Children Served: 44
Type of Inspection: Partial	BHA Docket Number:	Notice: Unannounced
Reason(s) for Inspection(s) Complaint		
On-Site Inspections Dates and Department Representatives On-Site 07/26/2016: Murray, Kaitlyn; Jennings, Lauren; Barr, Sara		
Off-Site Inspection Dates and Inspectors, if Applicable		
Other Details		
Partial or Full Triggers:		Random Indicators:
Child Demographic Data as of Inspection Dates		
<b>Age of Children:</b> 0 to 5 years: 0 6 to 13 years: 0 14 to 17 years: 40 18 to 21 years: 4	<b>Number of Children who:</b> Are Adjudicated Delinquent: 43 Are Dependent: 1 Have Mental Illness: 0 Have an Intellectual Disability: 0 Have a Physical Disability: 0	



Licensing Inspection Summary: 11294 - 07/26/2016 - Murray, Kaitlyn  
 Facility Name: MADISON HALL

**1. REGULATION 55 Pa.Code §3800**

3800.32(b) - A child may not be abused, mistreated, threatened, harassed or subject to corporal punishment.

**2a. DESCRIPTION OF VIOLATION**

On [REDACTED] Staff Member A restrained Child #1. During the restraint, Child #1 alleged that Staff Member A placed their hands around the neck of Child #1 and choked them. The nursing assessment from [REDACTED] for Child #1, identified visible red marks on the right side neck of Child #1.

**3. PLAN OF CORRECTION (POC) (Attach pages as necessary. Remember that you must sign and date any attached pages.)**

*Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.*

The Glen Mills Schools understands the importance of 55 Pa Code 3800.32(b) and will not tolerate the abuse, mistreatment, threats, harassment, or corporal punishment of a child. The Glen Mills Schools performed an internal investigation on [REDACTED] and as a result of Child 1's allegation, an immediate call to Childline was made that same day on [REDACTED]. Staff Members A was relieved of [REDACTED] duties immediately on [REDACTED] and was also terminated on [REDACTED] for failing to follow the Glen Mills Schools Behavior Intervention Training and for not acting in a professional manner. The Glen Mills Schools administration places a strong emphasis on a healthy and safe environment and will not tolerate any violations of our student's rights. The Glen Mills Schools will continue to train our staff on the importance of this violation and will encourage the safety and well-being of our children.

KMM

Repeat Violation: No

Date(s) of Previous Violation(s):

Signature of Legal Entity Representative  
 (Required on EVERY Page)

*Randy Ireson*

Printed Name and Title of Legal Entity Representative  
 (Required on EVERY Page)

Dr. Randy A. Ireson

August 3, 2016  
 Date

**DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE!**

The above plan of correction is approved as of

8/3/16  
 (Date)

Plan of correction implementation status as of

8/5/16  
 (Date)

- ☐ Fully Implemented  
☒ Partially Implemented - Adequate Progress  
☐ Partially Implemented - Inadequate Progress  
☐ Not Implemented

The above plan of correction was approved by

KMM  
 (Initials)



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

**Sent Via Email: [hpace@glenmillsschools.org](mailto:hpace@glenmillsschools.org)**  
**Mailing Date: February 22, 2017**

Dr. Randy A. Ireson, Executive Director  
Glen Mills Schools  
P.O. Box 5001  
Concordville, PA 19331

RE: Jackson/Polk  
License #112980

Dear Dr. Ireson:

As a result of the Department of Human Services' licensing inspection September 20, 2016 of the above facility, the violations with 55 Pa.Code Ch. 3800 (relating to Child Residential and Day Treatment Facilities) specified on the enclosed License Inspection Summary were found.

All violations specified on the enclosed License Inspection Summary must be corrected by the dates specified on the License Inspection Summary and continued compliance with 55 Pa.Code Ch. 3800 must be maintained.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Miller".

Kevin Miller  
Child Residential Licensing Manager

Enclosure  
Licensing Inspection Summary

**VIOLATION REPORT**  
**CHILD RESIDENTIAL LICENSING - 55 Pa.Code Chapter 3800**

Facility Name: JACKSON POLK HALL		Licensor Number: 11298
Address: 185 GLEN MILLS ROAD, GLEN MILLS, PA 19342		County: Delaware
Director: Dr. Randy Ireson		Region: SOUTHEAST
Legal Entity Name: GLEN MILLS SCHOOLS		
Legal Entity Address: P.O. BOX 5001, CONCORDVILLE, PA 19331		
Certificate(s) of Occupancy NM		
NM		
Program Type: Residential Services	Licensed Capacity: 68	Number of Children Served: 62
Type of Inspection: Partial	BHA Docket Number:	Notice: Unannounced
Reason(s) for Inspection(s) Complaint		
On-Site Inspections Dates and Department Representatives On-Site 09/20/2016: Taylor, Kahisha; Delaney, Alesia; Manson, Trina		
Off-Site Inspection Dates and Inspectors, if Applicable		
Other Details		
Partial or Full Triggers:		Random Indicators:
Child Demographic Data as of Inspection Dates		
Age of Children: 0 to 5 years: 0 6 to 13 years: 3 14 to 17 years: 52 18 to 21 years: 7		Number of Children who: Are Adjudicated Delinquent: 62 Are Dependent: 0 Have Mental Illness: 0 Have an Intellectual Disability: 0 Have a Physical Disability: 0

Licensing Inspection Summary: 11298 - 08/20/2016 - Taylor, Kahisha  
 Facility Name: JACKSON POLK HALL

1. REGULATION 55 Pa.Code §3800  
 3800.32(b) - A child may not be abused, mistreated, threatened, harassed or subject to corporal punishment.

2a. DESCRIPTION OF VIOLATION

Staff Member A was observed by another staff member striking Child #1 in the torso twice. Child #1 then ran into the office and Staff Member A pursued him. While in the office Staff Member A hit Child #1 in the head with a pillow and pushed the child to the ground. Staff Member A was immediately terminated.

3. PLAN OF CORRECTION (POC) (Attach pages as necessary. Remember that you must sign and date any attached pages.)  
 Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.

The Glen Mills Schools understand the importance of Pa Code Title 3800.32(b) and will not tolerate the abuse, mistreatment, threats, harassment, or corporal punishment of a child. Immediately following the incident in question on [REDACTED] Staff Member A was relieved of [REDACTED] duties and placed on administrative leave pending termination. Subsequently, a call was made to Childline on [REDACTED] at approximately 10:45 PM. The Team Leader of Jackson/Polk Hall terminated Staff Member A on [REDACTED] for not following the Glen Mills Schools Professional Code of Conduct. In response to this violation, the Team Leaders of Jackson/Polk Hall have addressed all of their staff in their weekly team meeting on the importance of providing a safe and healthy environment for our students. The Glen Mills Schools will continue to train our staff on the importance of this violation and will encourage the safety and well-being of our children.

Repeat Violation: No

Date(s) of Previous Violation(s):

Signature of Legal Entity Representative  
 (Required on EVERY Page)

*Randy Ireson*

Printed Name and Title of Legal Entity Representative  
 (Required on EVERY Page)

Dr. Randy A. Ireson

Date January 27, 2017

DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE!

The above plan of correction is approved as of

2/2/17  
 (Date)

Plan of correction implementation status as of 2/2/17  
 (Date)

- ☐ Fully Implemented  
☒ Partially Implemented - Adequate Progress  
☐ Partially Implemented - Inadequate Progress  
☐ Not Implemented

The above plan of correction was approved by

Hmm  
 (Initials)



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

**Sent Via Email: [hpace@glenmillsschools.org](mailto:hpace@glenmillsschools.org)**

**Mailing Date: February 28, 2017**

Dr. Randy A. Ireson, Executive Director  
Glen Mills Schools  
P.O. Box 5001  
Concordville, PA 19331

RE: Tyler Hall  
License #113020

Dear Dr. Ireson:

As a result of the Department of Human Services' licensing inspection October 11, 2016 of the above facility, the violations with 55 Pa.Code Ch. 3800 (relating to Child Residential and Day Treatment Facilities) specified on the enclosed License Inspection Summary were found.

All violations specified on the enclosed License Inspection Summary must be corrected by the dates specified on the License Inspection Summary and continued compliance with 55 Pa.Code Ch. 3800 must be maintained.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Miller".

Kevin Miller  
Child Residential Licensing Manager

Enclosure  
Licensing Inspection Summary

**VIOLATION REPORT**  
**CHILD RESIDENTIAL LICENSING - 55 Pa.Code Chapter 3800**

Facility Name: TYLER HALL		License Number: 11302
Address: 185 GLEN MILLS ROAD, GLEN MILLS, PA 19342		County: Chester
Director: Dr. Randy Ireson		Region: SOUTHEAST
Legal Entity Name: GLEN MILLS SCHOOLS		
Legal Entity Address: P.O. BOX 5001, CONCORDVILLE, PA 19331		
Certificate(s) of Occupancy NM  NM		
Program Type: Residential Services	Licensed Capacity: 68	Number of Children Served: 63
Type of Inspection: Partial	BHA Docket Number:	Notice: Unannounced
Reason(s) for Inspection(s) Complaint		
On-Site Inspections Dates and Department Representatives On-Site 10/11/2016: Taylor, Kahisha; Murray, Kaitlyn		
Off-Site Inspection Dates and Inspectors, If Applicable		
Other Details Partial or Full Triggers:		
Random Indicators:		
Child Demographic Data as of Inspection Dates		
<b>Age of Children:</b> 0 to 5 years: 0 6 to 13 years: 1 14 to 17 years: 46 18 to 21 years: 16	<b>Number of Children who:</b> Are Adjudicated Delinquent: 63 Are Dependent: 0 Have Mental Illness: 0 Have an Intellectual Disability: 0 Have a Physical Disability: 0	

Licensing Inspection Summary: 11302 - 10/11/2016 - Taylor, Kahisha

Facility Name: TYLER HALL

**1. REGULATION 55 Pa.Code §3800**

3800.32(b) - A child may not be abused, mistreated, threatened, harassed or subject to corporal punishment.

**2a. DESCRIPTION OF VIOLATION**

Child #1 and Staff Member A were involved in a verbal confrontation on [REDACTED] on the unit. While Child #1 was having lunch in the cafeteria, Staff Member A approached [REDACTED] and slapped [REDACTED] in the back of the head. The supervisor on the unit intervened and Staff Member A was immediately relieved of [REDACTED] duties.

**3. PLAN OF CORRECTION (POC) (Attach pages as necessary. Remember that you must sign and date any attached pages.)**  
*Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.*

The Glen Mills Schools understand the importance of Pa Code Title 3800.32(b) and will not tolerate the abuse, mistreatment, threats, harassment, or corporal punishment of a child. Immediately following the incident in question on [REDACTED] Staff Member A was relieved of [REDACTED] duties and placed on administrative leave. Subsequently, a call was made to Childline on [REDACTED] at approximately 10:55 PM. The Team Leader of Tyler Hall terminated Staff Member A on September 21, 2016 for not following the Glen Mills Schools Professional Code of Conduct. In response to this violation, the Team Leaders of Tyler Hall have addressed all of their staff on [REDACTED] in their weekly team meeting on the importance of providing a safe and healthy environment for our students. The Glen Mills Schools will continue to train our staff on respecting the rights of our children and on the importance of this regulation.

Repeat Violation: No

Date(s) of Previous Violation(s):

Signature of Legal Entity Representative  
(Required on EVERY Page)*Randy Ireson*Printed Name and Title of Legal Entity Representative  
(Required on EVERY Page)

Dr. Randy A. Ireson

Date

January 27, 2017

**DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE**The above plan of correction is approved as of 2/2/17  
(Date)Plan of correction implementation status as of 2/2/17  
(Date)☐ Fully Implemented☒ Partially Implemented - Adequate Progress☐ Partially Implemented - Inadequate Progress☐ Not ImplementedThe above plan of correction was approved by KMM  
(Initials)





**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**MAILING DATE: June 20, 2017**

Dr. Randy A. Ireson, Executive Director  
Glen Mills Schools  
P.O. Box 5001  
Concordville, PA 19331

RE: Hayes Hall  
185 Glen Mills Road  
Glen Mills, PA 19342  
License #112880

Dear Dr. Ireson:

As a result of the Department of Human Services' licensing inspection on November 17, 2016 and December 5, 2016 of the above facility, the violations with 55 Pa.Code Ch. 3800 (relating to Child Residential and Day Treatment Facilities) specified on the enclosed License Inspection Summary were found.

All violations specified on the enclosed License Inspection Summary must be corrected by the dates specified on the License Inspection Summary and continued compliance with 55 Pa.Code Ch. 3800 must be maintained.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Miller".

Kevin Miller  
Child Residential Licensing Manager

Enclosure  
Licensing Inspection Summary

**VIOLATION REPORT**  
**CHILD RESIDENTIAL LICENSING - 55 Pa.Code Chapter 3800**

Facility Name: HAYES HALL		License Number: 11288
Address: 185 GLEN MILLS ROAD, GLEN MILLS, PA 19342		County: Delaware
Director: Dr. Randy Ireson		Region: SOUTHEAST
Legal Entity Name: GLEN MILLS SCHOOLS		
Legal Entity Address: P.O. BOX 5001, CONCORDVILLE, PA 19331		
Certificate(s) of Occupancy C-2 LP 08/08/2003 Dept. Of Labor Industry		
Program Type: Residential Services	Licensed Capacity: 81	Number of Children Served: 40
Type of Inspection: Partial	BHA Docket Number:	Notice: Unannounced
Reason(s) for inspection(s) Complaint		
On-Site Inspections Dates and Department Representatives On-Site 11/17/2016: Manson, Trina 12/05/2016: Manson, Trina		
Off-Site Inspection Dates and Inspectors, If Applicable		
Other Details		
Partial or Full Triggers:		Random Indicators:
Child Demographic Data as of Inspection Dates		
Age of Children: 0 to 5 years: 0 6 to 13 years: 0 14 to 17 years: 29 18 to 21 years: 11	Number of Children who: Are Adjudicated Delinquent: 40 Are Dependent: 0 Have Mental Illness: 0 Have an Intellectual Disability: 0 Have a Physical Disability: 0	

Licensing Inspection Summary: 11288 - 11/17/2016 - Manson, Trina  
Facility Name: HAYES HALL

**1. REGULATION 55 Pa.Code §3800**

3800.32(b) - A child may not be abused, mistreated, threatened, harassed or subject to corporal punishment.

**2a. DESCRIPTION OF VIOLATION**

On [REDACTED] Child #1 was restrained by Staff Member A and Staff Member B after becoming physically and verbally aggressive towards the staff. During the restraint Child #1 was taken to the ground and the face of Child #1 hit the ground causing a laceration above their left eyebrow. Child #1 was taken to the health center, where they received stitches.

**3. PLAN OF CORRECTION (POC) (Attach pages as necessary. Remember that you must sign and date any attached pages.)**

*Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.*

The Glen Mills Schools understands the importance of Pa Code Title 55 3800.32(b) and will not tolerate the abuse, mistreatment, threats, harassments, or corporal punishment of a child. In response to this violation, the Team Leader of Hayes Hall [REDACTED] has addressed all of [REDACTED] staff on the importance of providing a safe and healthy environment for all of our students. In addition, Staff Member A and Staff Member B will be retrained in our Behavioral Intervention Training. Once the training is finalized, the Glen Mills Schools will provide the completed training to the Bureau of Human Services Licensing. The Team Leader of Hayes Hall [REDACTED] is ultimately responsible to make sure that no child is abused, mistreated, threatened, harassed or subject to corporal punishment. The Glen Mills Schools will continue to train our staff on the importance of this violation and will encourage the safety and well-being of our children.

- Staff Member A and Staff Member B were retrained on  
5/24/17.

KMM

Repeat Violation: No

Date(s) of Previous Violation(s):

Signature of Legal Entity Representative  
(Required on EVERY Page)

*Randy Ireson*

Printed Name and Title of Legal Entity Representative Dr. Randy A. Ireson  
(Required on EVERY Page)

Date April 7, 2017

**DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE!**

The above plan of correction is approved as of

6/1/17  
(Date)

Plan of correction implementation status as of 6/1/17  
(Date)

- ☐ Fully Implemented  
☒ Partially Implemented - Adequate Progress  
☐ Partially Implemented - Inadequate Progress  
☐ Not Implemented

The above plan of correction was approved by

KMM  
(initials)



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**MAILING DATE: March 2, 2017**

Dr. Randy A. Ireson  
Glen Mills Schools  
P.O. Box 5001  
Concordville, PA 19331

RE: Jeffereson / Fillmore Hall  
License #112960

Dear Dr. Ireson:

As a result of the Department of Human Services' licensing inspection on December 5, 2016 of the above facility, the violations with 55 Pa.Code Ch. 3800 (relating to Child Residential and Day Treatment Facilities) specified on the enclosed License Inspection Summary were found.

All violations specified on the enclosed License Inspection Summary must be corrected by the dates specified on the License Inspection Summary and continued compliance with 55 Pa.Code Ch. 3800 must be maintained.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Miller".

Kevin Miller  
Child Residential Licensing Manager

Enclosure  
Licensing Inspection Summary

**VIOLATION REPORT**  
**CHILD RESIDENTIAL LICENSING - 55 Pa.Code Chapter 3800**

<b>Facility Name:</b> JEFFERSON FILLMORE HALL		<b>License Number:</b> 11286
<b>Address:</b> 185 GLEN MILLS ROAD, GLEN MILLS, PA 19342		<b>County:</b> Delaware
<b>Director:</b> Dr. Randy Ireson		<b>Region:</b> SOUTHEAST
<b>Legal Entity Name:</b> GLEN MILLS SCHOOLS		
<b>Legal Entity Address:</b> P.O. BOX 6001, CONCORDVILLE, PA 19331		
<b>Certificate(s) of Occupancy</b> NM  NM		
<b>Program Type:</b> Residential Services	<b>Licensed Capacity:</b> 68	<b>Number of Children Served:</b> 67
<b>Type of Inspection:</b> Partial	<b>BHA Docket Number:</b>	<b>Notice:</b> Unannounced
<b>Reason(s) for Inspection(s)</b> Complaint		
<b>On-Site Inspections Dates and Department Representatives On-Site</b> 12/05/2016: Taylor, Kahisha; Wooters, Sandra; Manson, Trina; Delaney, Alesia		
<b>Off-Site Inspection Dates and Inspectors, If Applicable</b>		
<b>Other Details</b>		
<b>Partial or Full Triggers:</b>		<b>Random Indicators:</b>
<b>Child Demographic Data as of Inspection Dates</b>		
<b>Age of Children:</b> 0 to 5 years: 0 6 to 13 years: 0 14 to 17 years: 54 18 to 21 years: 13	<b>Number of Children who:</b> Are Adjudicated Delinquent: 0 Are Dependent: 0 Have Mental Illness: 0 Have an Intellectual Disability: 0 Have a Physical Disability: 0	

Licensing Inspection Summary: 11206 - 12/05/2016 - Taylor, Kahisha  
Facility Name: JEFFERSON FILLMORE HALL

**1. REGULATION 55 Pa.Code §3800**

3800.32(b) - A child may not be abused, mistreated, threatened, harassed or subject to corporal punishment.

**2a. DESCRIPTION OF VIOLATION**

On [REDACTED] Child #1 was assaulted by several peers on 2 separate occasions. Child #1 sustained a mild concussion, laceration over [REDACTED] eye and bruised ribs as a result of these assaults.

**3. PLAN OF CORRECTION (POC)** (Attach pages as necessary. Remember that you must sign and date any attached pages.)

*Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.*

The Glen Mills Schools understands the importance of Pa Code Title 55 3800.32(b) and will not tolerate the abuse, mistreatment, threats, harassment, or corporal punishment of a child. Jefferson/Fillmore Hall staff performed an internal investigation by interviewing the staff and students involved in the alleged incident on [REDACTED]. During the internal investigation, Child #1 attempted to assault several other students and had to be physically restrained by staff due to [REDACTED]'s threatening and aggressive behavior. During the investigation, the other student involved admitted to fighting Child #1, so the Team Leader and AM Senior counselor determined that the laceration on Child #1's eye was a result of the fight. In response to this violation, the Team Leaders of Jefferson/Fillmore have addressed all of their students on the acceptable behavior requirements as identified in the Glen Mills Schools Student Handbook. Each student receives this handbook upon admission to our campus. The Team Leaders emphasized to the students the importance of treating one another appropriately and making sure that they are aware that no student has a right to hurt another student. They reiterated that our students are never permitted to touch one another when dealing with peer to peer behaviors. The Team Leaders of Jefferson/Fillmore Hall are ultimately responsible to make sure that no student is abused, mistreated, threatened, harassed, or subject to corporal punishment. In addition, these topics will continue to be discussed in our Guided Group Interaction, School Wide Positive Behavior supports program, and our Evidence Based Classes.

Repeat Violation: Yes

Date(s) of Previous Violation(s):

11/24/2015

Signature of Legal Entity Representative  
(Required on EVERY Page)

*Randy Ireson*

Printed Name and Title of Legal Entity Representative  
(Required on EVERY Page)

Dr. Randy A. Ireson

Date February 17, 2017

**DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE!**

The above plan of correction is approved as of

2/24/17  
(Date)

Plan of correction Implementation status as of 2/24/17  
(Date)

- ☐ Fully Implemented  
☐ Partially Implemented - Adequate Progress  
☐ Partially Implemented - Inadequate Progress  
☐ Not Implemented

The above plan of correction was approved by

KMM  
(Initials)

Licensing Inspection Summary: 11286 - 12/05/2016 - Taylor, Kahisha  
 Facility Name: JEFFERSON FILLMORE HALL

**1. REGULATION 55 Pa.Code §3800**

3800.32(c) - A child has the right to be treated with fairness, dignity and respect.

**2a. DESCRIPTION OF VIOLATION**

Child #1 was fearful that peers on the unit were going to jump █ Child #1 disclosed to Staff Member A that █ did not feel safe on that unit. Child #1 reported that Staff Member A told █ to stop being childish. Staff Member A admitted that █ did not protect Child #1 after Child #1 reported feeling unsafe to █.

During an initial investigation of Child #1, it was discovered that Child #2 was confronted by Staff Member B in the library sometime in the beginning of █ Staff Member B did not like the response of Child #2 to the confrontation. Staff Member B grabbed Child #2 by the shirt and shoved Child #2 through a chair. There were witnesses to this incident.

**3. PLAN OF CORRECTION (POC) (Attach pages as necessary. Remember that you must sign and date any attached pages.)**

*Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.*

The Glen Mills Schools understands the importance of Pa Code Title 55 3800.32(c) which states that a child has the right to be treated with fairness, dignity, and respect. Child #1 shared with the BHSL during █ interview that █ told Staff Member A █ did not feel safe. This contradicts the information Staff Member A had previously received from Child #1, where █ only shared █ was not getting along with █ peers. It was determined by Staff Member A that Child #1's health and safety was not in jeopardy, so the student was not transferred at that time. Child #2 made an allegation to BHSL representatives during an initial investigation of Child #1 where █ alleged mistreatment from over 2 months ago. This was the first time Glen Mills Schools staff were made aware of this allegation. In response, Staff Member B was immediately placed on a plan of supervision where █ was not to have contact with Child #2. Child #2 was also transferred to another living unit for █ safety and wellbeing. The Glen Mills Schools takes this violation very seriously. The Team Leaders of Jefferson/Fillmore addressed all of their staff in each of their weekly team meeting following the incident in question. They discussed the importance of providing a safe and healthy environment for our students. In addition, all of the staff members in Jefferson/Fillmore were given a booster Behavioral Intervention Training course on November 30, 2016 and December 7, 2016. Please see Attachment A for the sign in sheets from the booster training for all the staff in Jefferson/Fillmore. The Glen Mills Schools will continue to train our staff on the importance of this regulation and will encourage the safety and well-being of our children.

Repeat Violation: No

Date(s) of Previous Violation(s):

Signature of Legal Entity Representative  
 (Required on EVERY Page)

*Randy Ireson*

Printed Name and Title of Legal Entity Representative  
 (Required on EVERY Page)

Dr. Randy A. Ireson

Date February 17, 2017

**DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE!**

The above plan of correction is approved as of

2/24/17  
 (Date)

Plan of correction implementation status as of

2/24/17  
 (Date)

The above plan of correction was approved by

YMM  
 (Initials)

- ☐ Fully Implemented  
☒ Partially Implemented - Adequate Progress  
☐ Partially Implemented - Inadequate Progress  
☐ Not Implemented



Licensing Inspection Summary: 11296 - 12/05/2016 - Taylor, Kahisha  
Facility Name: JEFFERSON FILLMORE HALL

**1. REGULATION 55 Pa.Code §3800**

3800.32(k) - A child has the right to appropriate medical, behavioral health and dental treatment.

**2a. DESCRIPTION OF VIOLATION**

Child #1 was physically assaulted by peers on [REDACTED] at approximately 2:30pm. Child #1 sustained a laceration over [REDACTED] that was continuously bleeding. The facilities nurse was notified and asked staff to send her a picture of the laceration. The facilities nurse made the decision not to treat Child #1 at that time. Child #1 was not treated by nursing until 7:00pm that evening. The laceration bleed continuously throughout the day. Child #1 was sent to the ER a few days later to be accessed by the ER. It was determined that Child #1 sustained a mild concussion, a laceration that needed stitches and an injury to [REDACTED] right hand.

**3. PLAN OF CORRECTION (POC) (Attach pages as necessary. Remember that you must sign and date any attached pages.)**

*Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.*

The Glen Mills Schools understands the importance of Pa Code Title 55 3800.32(k) and will not tolerate the withholding of appropriate medical, behavioral health and dental treatment. It was determined through an internal investigation on [REDACTED] that Child #1 was involved in a fight that resulted in a laceration above [REDACTED] right eye. Due to the injury from the fight, first aid was administered by a staff member present by applying pressure to the laceration and by contacting the on call nurse. Although it was shared with Bureau of Human Services Licensing Representative by Child #1 that the laceration bled throughout the day, it was determined by Glen Mills Staff that the laceration stopped bleeding after pressure was applied. The on call nurse arrived on campus where she applied 4 steri-strips to close the laceration, provided ice, administered 600 mg of ibuprofen, and performed a neurological check that was determined to be within normal limits. The same on call nurse evaluated Child #1 on [REDACTED] where the student was offered off campus medical attention. Due to Child #1's age (18), [REDACTED] was able to and did decline any further treatment. On Monday [REDACTED] per our Glen Mills Schools Restraint Policy Child #1 was seen at the Glen Mills Schools Health Center by one of the Doctors for a physical examination. It was during the physical examination where Child #1 first alleged to the Doctor that [REDACTED] was kicked in the head by another student. The Doctor immediately recommended that Child #1 be taken to Riddle Hospital Emergency Room to be evaluated. Child #1 was transported to Riddle Hospital by a Glen Mills Schools Counselor/Teacher and was seen by Emergency Room medical staff. Child #1 was discharged by [REDACTED] committing jurisdiction and never returned to the Glen Mills Schools campus. The Glen Mills Schools takes this violation very seriously as the on call nurse has been terminated due to this incident, as well as other work performance issues. In response the Glen Mills Schools Head Nurse has addressed all of her staff on the importance of providing appropriate medical treatment and arriving on campus within a reasonable timeframe. It is the responsibility of the on call nurse to assess the situation and determine the appropriate medical treatment.

Repeat Violation: No

Date(s) of Previous Violation(s):

Signature of Legal Entity Representative  
(Required on EVERY Page)

*Randy Ireson*

Printed Name and Title of Legal Entity Representative  
(Required on EVERY Page)

Dr. Randy A. Ireson

Date February 17, 2017

**DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE**

The above plan of correction is approved as of

2/21/17  
(Date)

Plan of correction Implementation status as of 2/24/17  
(Date)

- ☐ Fully Implemented  
☒ Partially Implemented - Adequate Progress  
☐ Partially Implemented - Inadequate Progress  
☐ Not Implemented

The above plan of correction was approved by

KMM  
(Initials)

Licensing Inspection Summary: 11298 - 12/05/2016 - Taylor, Kahisha  
Facility Name: JEFFERSON FILLMORE HALL

**1. REGULATION 55 Pa.Code §3800**

3800.142 - If the health and safety assessment in § 3800.141 (relating to health and safety assessment) identifies a health or safety risk, a written plan to protect the child shall be developed and implemented within 24 hours after the assessment is completed.

**2a. DESCRIPTION OF VIOLATION**

Staff Member A did not create a plan of safety for Child #1 after Child #1 reported to Staff Member that [redacted] did not feel safe around peers. Child #1 was physically assaulted by those peers a few days later.

**3. PLAN OF CORRECTION (POC)** (Attach pages as necessary. Remember that you must sign and date any attached pages.)

*Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.*

The Glen Mills Schools understands the importance of Pa Code Title 55 3800.142 which states that if the health and safety assessment in 3800.141 (relating to health and safety assessment) identifies a health or safety risk, a written plan to protect the child shall be developed and implemented within 24 hours after the assessment is completed. Child #1 shared with the BHSL during [redacted] interview that [redacted] told Staff Member A [redacted] did not feel safe. This contradicts the information Staff Member A had previously received from Child #1, where [redacted] only shared [redacted] was not getting along with [redacted] peers. It was determined by Staff Member A that Child #1's health and safety was not in jeopardy, so Staff Member A did not develop a written plan. In addition, an internal investigation performed by the Glen Mills Schools a few days later determined that Child #1 was involved in a fight not an assault and that Child #1's out of control, aggressive, and a threat to [redacted] and others, which resulted in [redacted] being physical restrained. It is the practice at the Glen Mills Schools that if a health and safety assessment identifies a health or safety risk, a written plan to protect that child shall be developed and implemented within 24 hours after the assessment is completed. It is also the practice at the Glen Mills Schools to have a working knowledge of the Child Abuse Recognition and Reporting Training. The Team Leaders of each licensed building are ultimately responsible to make sure that if necessary a written plan to protect the child is implemented within 24 hours. The Assistant Group Living Director reiterated these processes with all the Team Leaders of the licensed buildings on campus. The Team Leader of each licensed building discussed the health and safety assessment/plans as it pertains to student safety in the weekly team meeting following receiving this violation. The Director of Admission also reiterated this process with all of his medical staff.

Repeat Violation: No

Date(s) of Previous Violation(s):

Signature of Legal Entity Representative  
(Required on EVERY Page)

*Randy Ireson*

Printed Name and Title of Legal Entity Representative  
(Required on EVERY Page)

Dr. Randy A. Ireson

Date February 17, 2017

**DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE!**

The above plan of correction is approved as of 2/24/17  
(Date)

The above plan of correction was approved by HMM  
(Initials)

Plan of correction implementation status as of 2/24/17  
(Date)

- ☐ Fully Implemented
- ☒ Partially Implemented - Adequate Progress
- ☐ Partially Implemented - Inadequate Progress
- ☐ Not Implemented



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**MAILING DATE: March 6, 2017**

Dr. Randy A. Ireson, Executive Director  
Glen Mills Schools  
P.O. Box 5001  
Concordville, PA 19331

RE: Glen Mills – McKinley Hall  
License #137300

Dear Dr. Ireson:

As a result of the Department of Human Services' licensing inspection on January 12, 2016 of the above facility, the violations with 55 Pa.Code Ch. 3800 (relating to Child Residential and Day Treatment Facilities) specified on the enclosed License Inspection Summary were found.

All violations specified on the enclosed License Inspection Summary must be corrected by the dates specified on the License Inspection Summary and continued compliance with 55 Pa.Code Ch. 3800 must be maintained.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Miller".

Kevin Miller  
Regional Licensing Administrator or  
Child Residential Licensing Manager

Enclosure  
Licensing Inspection Summary

**VIOLATION REPORT**  
**CHILD RESIDENTIAL LICENSING - 55 Pa.Code Chapter 3800**

<b>Facility Name:</b> MCKINLEY HALL		<b>License Number:</b> 13730
<b>Address:</b> 185 GLEN MILLS ROAD, GLEN MILLS, PA 19342		<b>County:</b> Delaware
<b>Director:</b> Randy Ireson		<b>Region:</b> SOUTHEAST
<b>Legal Entity Name:</b> GLEN MILLS SCHOOLS		
<b>Legal Entity Address:</b> P.O. BOX 5001, CONCORDVILLE, PA 19331		
<b>Certificate(s) of Occupancy</b> C-2 LP 08/08/2003 Dept. of Labor		
<b>Program Type:</b> Residential Services	<b>Licensed Capacity:</b> 81	<b>Number of Children Served:</b> 34
<b>Type of Inspection:</b> Partial	<b>BHA Docket Number:</b>	<b>Notice:</b> Unannounced
<b>Reason(s) for Inspection(s)</b> Complaint		
<b>On-Site Inspections Dates and Department Representatives On-Site</b> 01/12/2017: Manson, Trina; Murray, Kaitlyn		
<b>Off-Site Inspection Dates and Inspectors, if Applicable</b>        		
<b>Other Details</b> Partial or Full Triggers: _____ Random Indicators: _____		
<b>Child Demographic Data as of Inspection Dates</b>		
<b>Age of Children:</b> 0 to 5 years: 0 6 to 13 years: 0 14 to 17 years: 29 18 to 21 years: 5		<b>Number of Children who:</b> Are Adjudicated Delinquent: 34 Are Dependent: 0 Have Mental Illness: 0 Have an Intellectual Disability: 2 Have a Physical Disability: 0

Licensing Inspection Summary: 13730 - 01/12/2017 - Manson, Trina  
Facility Name: MCKINLEY HALL

**1. REGULATION 55 Pa.Code §3800**

3800.32(b) - A child may not be abused, mistreated, threatened, harassed or subject to corporal punishment.

**2a. DESCRIPTION OF VIOLATION**

Staff Member A physically restrained Child # 1 on [REDACTED] During the restraint Staff Member A punched Child #1 in the ribs.

**3. PLAN OF CORRECTION (POC)** (Attach pages as necessary. Remember that you must sign and date any attached pages.)

*Include steps to correct the violation described above and steps to prevent a similar violation from occurring again. If steps cannot be completed immediately, include dates by which the steps will be completed.*

The Glen Mills Schools understands the importance of Pa Code Title 55 3800.32(b) and will not tolerate the abuse, mistreatment, threats, harassment, or corporal punishment of a child. On [REDACTED] [REDACTED] the Team Leader of McKinley Hall [REDACTED] performed an internal investigation by interviewing the staff and students involved in the alleged incident that occurred on [REDACTED]. It was determined that Staff Member A acted outside of our Behavioral Intervention Training, so as a result the Pennsylvania Childline was contacted by Glen Mills Schools PM Senior Counselor [REDACTED]. [REDACTED] Staff Member A was immediately relieved of [REDACTED] duties on [REDACTED] and sent home until further notice. Staff Member A did not have any further contact with Child #1 and was terminated on [REDACTED] for going outside of our Behavioral Intervention Training and for not following the Glen Mills Schools Professional Code of Conduct. The Glen Mills Schools administration places a strong emphasis on a healthy and safe environment and will not tolerate any violation of our student's rights. In response to this violation, the Team Leader of McKinley Hall has addressed all of his staff on the importance of providing a safe and healthy environment for all of our students. The Team Leader of McKinley Hall is ultimately responsible to make sure that no child is abused, mistreated, threatened, harassed, or subject to corporal punishment. The Glen Mills Schools will continue to train our staff on the importance of this violation and will encourage the safety and well-being of our children.

Repeat Violation: No

Date(s) of Previous Violation(s):

Signature of Legal Entity Representative  
(Required on EVERY Page)

Printed Name and Title of Legal Entity Representative  
(Required on EVERY Page)

Dr. Randy A. Ireson

Date February 22, 2017

**DEPARTMENT USE ONLY - FACILITIES MAY NOT WRITE BELOW THIS LINE!**

The above plan of correction is approved as of

3/6/17  
(Date)

Plan of correction implementation status as of

3/6/17  
(Date)

- ☐ Fully Implemented  
☒ Partially Implemented - Adequate Progress  
☐ Partially Implemented - Inadequate Progress  
☐ Not Implemented

The above plan of correction was approved by

Kmm  
(Initials)